

THE
CHARTER

Granted by His MAJESTY

King CHARLES

The SECOND,

TO THE

COLONY

OF

Rhode-Island,

AND

Providence Plantations,

In AMERICA.



NEWPORT, Rhode-Island:

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the Town School-House. 1730.

THE
CHARTER

OF THE

OF THE

OF THE

TO THE

COLONY

By



Providence

IN VIRGINIA

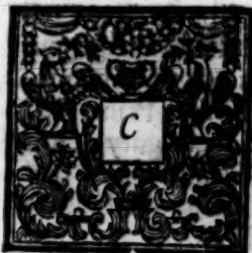
By

By



The CHARTER

Granted by His MAJESTY King
CHARLES the Second, &c.



CHARLES THE SECOND, By the Grace
of GOD, King of England, Scotland, France
and Ireland, Defender of the Faith, &c. TO
ALL to whom these Presents shall come,
Greeting. WHEREAS we have been inform-
ed by the Humble Petition of Our Trusty
and well-beloved Subject, *John Clarke*, on the
Behalf of *Benjamin Arnold, William Brenton,*

The Petiti-
oners.

*William Coddington, Nicholas Easton, William Bolston, John Porter,
John Smith, Samuel Gorton, John Wicks, Roger Williams, Thomas
Olney, Gregory Dexter, John Coggeshall, Joseph Clarke Randell
Holden, John Green, John Roome, Samuel Wilbore, William Field,
James Barker, Richard Tew, Thomas Harris, and William Dyre,*
and the Rest of the Purchasers, and Free Inhabitants, of our
Island called RHODE-ISLAND, and the rest of the Colony of
Providence-Plantations, in the Narragansett Bay in New-England,
in America, That they pursuing with Peaceable and Loyal Minds,
their Sober, Serious and Religious Intentions, of Godly edify-
ing themselves, and one another, in the Holy Christian Faith and
Worship, as they were perswaded; together with the gaining
over, and Conversion of the poor Ignorant Indian Natives in
those parts of America, to the sincere Profession and Obedience
of the same Faith and Worship: Did not only by the Consent
and good Encouragement of our Royal Progenitors, Transport
themselves out of this Kingdom of England into America; but
also since their arrival there, after their first Settlement amongst
other our Subjects in those parts, for the avoiding of Discord,
and those many Evils which were likely to ensue upon some of
those our Subjects, not being able to bear in those Remote parts,
their different Apprehensions in Religious Concernments. And
in the pursuance of the above-said Ends; Did once again, Leave
their desireable Stations, and Habitations, and with Excessive
Labour and Travel, Hazard and Charge, did Transplant them-
selves into the midst of the Indian Natives. Who as We are

The Petition,
and Grounds
of the Grant.

informed, are the most Potent Printes and People of all that Country, *Where by the good Providence of GOD*, from whom the Plantations hath taken their Name, upon their Labours and Industry; have not only been preserved to Admiration, but have Increased and Prospered, and are Seized, and are Possessed by Purchase, and Consent of the said Natives to their full content, of such *Lands, Islands, Rivers, Harbours, and Roads*, as are very convenient, both for Plantations, and also for Building of *Ships*, supply of *Pipe-slaves* and other Merchandize: And which lyes very commodious, in many respects, for Commerce, and to accommodate our Southern Plantations; and may much Advance the Trade of this our *Realm*, and greatly enlarge the Territories thereof, They having by near Neighbourhood to, and Friendly Society with the Great Body of the *Narraganset Indians*, given them Encouragement of their own accord, to Subject themselves, their People and Land unto Us: *Whereby* as is Hoped, there may in Time, by the Blessing of GOD upon their Endeavours, be Laid a Sure Foundation of Happiness to all *America*. AND Whereas in their Humble Address, They have Freely Declared, that it is much on their Hearts, if they may be permitted to Hold forth a lively Experiment, That a most Flourishing Civil State, may stand and best be Maintained, and that amongst our English Subjects, With a full Liberty in Religious Concernments; And that true Piety, Rightly Grounded upon Gospel Principles, will give the Best and Greatest Security to Sovereignty; And will lay in the Hearts of Men the Strongest Obligations to true Loyalty. NOW KNOW YE, That we being Willing to Encourage the Hopeful Undertakings of our said Loyal and Loving Subjects, And to Secure them in the Free Exercise and Enjoyment of all their Civil and Religious Rights Appertaining to them, as our Loving Subjects, And to Preserve unto them that Liberty in the true Christian Faith and Worship of GOD, Which they have sought with so much Travel, And with Peaceable Minds and Loyal Subjection to Our Royal Progenitors and Our Selves to Enjoy. AND because some of the People and Inhabitants of the same *Colony*, cannot in their private Opinions, Conform to the Publick Exercise of Religion according to the Liturgy, Forms and Ceremonies of the *Church of England*, or take or Subscribe the Oaths and Articles made and Established in that behalf. AND for that the same by reason of the Remote Distances of those Places will (as we Hope) be no Breach of the Unity and Uniformity Established in this Nation. HAVE THEREFORE Thought fit, AND DO HEREBY Publish, Grant, Ordain, and Declare, That Our Royal Will and Pleasure is, That no Person within the said *Colony*, at any Time hereafter, shall be any ways Molested, Punished, Disquieted, or called in Question for any Differences in Opinion, in matters of Religion, And do not Actually disturb the Civil Peace of Our said *Colony*. But that all and Every Person and Persons, may from time to time, and at all times hereafter, Freely, and Fully, Have and Enjoy, His and Their own Judgments and Conscience, in matters of Religious Concernments, throughout the Tract of Land hereafter mentioned; They behaving themselves peaceably and quietly, *And not using this Liberty to Licentiousness*

The Grant for
Liberty of
Conscience.

ness and Prophaneness; nor to the civil Injury, or outward Disturbance of others. Any Law, Statute, or Clause, therein contained, or to be contained; Any Usage or Custom of this Realm to the contrary thereof in any wise notwithstanding. And that they may be in the better Capacity to Defend themselves in their just Rights and Liberties, against all the Enemies of the Christian Faith, and others in all Respects. WE Have further thought Fit; And at the Humble Petition of the Persons aforesaid, Are Graciously pleased to Declare, That they shall Have, and Enjoy, the Benefit of Our late Act of Indemnity, and Free Pardon, as the rest of our Subjects in other Our Dominions and Territories have. AND TO CREATE, and make Them a Body Politick and Corporate, with the Powers, and Privileges herein after-mentioned. AND accordingly Our Will and Pleasure is, AND of Our especial Grace, certain Knowledge, and meer Motion, WE have Ordained, Constituted, Declared, and by these Presents, for Us, Our Heirs, and Successors, DO Ordain, Constitute and Declare, That they the said *Patentees.* William Brenton, William Coddington, Nicholas Easton, Benadict Arnold, William Boiston, John Porter, Samuel Gorton, John Smith, John Wicks, Roger Williams, Thomas Olney, Gregory Dexter, John Coggeshall, Joseph Clarke, Randal Holden, John Green, John Roome, William Dyre, Samuel Wilbore, Richard Tew, William Field, Thomas Harris, James Barker, Rainsborough Williams, and John Nixson, And all such others as now are, or hereafter shall be admitted, and made free of the Company, and Society, of Our Colony of Providence Plantations, in the Narragansett Bay in New-England; Shall be from time to time, and for ever hereafter, Be A BODY CORPORATE and POLITICK in Fact and Name; By the Name of the GOVERNOUR and Company of the English Colony of RHODE ISLAND and Providence-Plantations, in New-England in America. AND that by the same Name, They and their Successors, shall and may have perpetual Succession. And shall and may be Persons able and capable in the Law, to Sue and be Sued, to Plead and be Impleaden; to Answer, and to be Answered unto, to defend, and to be defended, in all and singular Suits, Causes, Quarrels, Matters, Actions and things, of what kind or nature soever. AND ALSO TO HAVE, Take, Possess, Acquire, and Purchase Lands, Tenaments or Hereditaments, or any Goods or Chattels; and the same to Lease, Grant, Demise, Aliene, Bargain, Sell and dispose of, at their own will and pleasures, as other Our Leige People of this our Realm of England, or any Corporation, or Body Politick within the same may Lawfully do. AND FURTHER, That they the said Governour and Company, and their Successors, shall and may for ever hereafter have a common Seal to serve and use for all Matters, Causes and Things and Affairs whatsoever, of them and their Successors: And the same Seal to Alter, Change, Break and make New, from time to time at their Will and Pleasure, as they shall think fit. AND FURTHER, we Will and Ordain, and by these Presents, for Us, our Heirs and Successors; Do declare and appoint, that for the better ordering and managing of the Affairs and Business of the said Company and their Successors, there shall be one GOVERNOUR, one DEPUTY GOVERNOUR, and ten ASSISTANTS, to be from time to time Constituted Elected and Chosen

Power to make
Common Seal.

The Number
of Magistrates,
and their
Duties.

out of the Free-men of said Company, for the time being, in such Manner and Form as is hereafter in these Presents Expressed; Which said Officers, shall apply themselves, to take care for the Best disposing and ordering of the general Business and Affairs of & concerning the Lands & Hereditaments herein after mentioned; to be granted, and the Plantation thereof, and the Government of the People there: AND for the better Execution of our Royal Pleasure herein, WE DO, for Us, our Heirs and Successors, Assign, Name, Constitute & Appoint the aforesaid BENADICT ARNOLD to be the first and present GOVERNOUR of the said Company, and the said WILLIAM BRENTON to be the Deputy GOVERNOUR, and the said *William Bolston, John Porter, Roger Williams, Thomas Olney, John Smith, John Green, John Coggeshall, James Barker, William Field, and Joseph Clarke*, to be the Ten present Assistants of said Company; to continue in the said several Offices, respectively, until the first *Wednesday*, which shall be in the Month of *May* now next coming: AND FURTHER, We will, and by these Presents, for Us, our Heirs and Successors, Do ordain and grant, that the Governour of the said Company for the time being, or in his absence, by occasion of Sicknes, or otherwise by the Leave and Permission, the Deputy Governour for the time being, shall and may from time to time upon all occasions, give order for the Assembling of the said Company, and calling them together, to consult and advise of the Business and Affairs of the said Company. AND THAT FOR EVER hereafter, twice in every Year, *That is to say*, on every first *Wednesday* in the Month of *May*, and on every last *Wednesday* in *October*, or oftener, in case it shall be Requisite, the Assistants and such of the Free-men of the said Company, not exceeding six Persons for *Newport*, four Persons for each of the respective Towns of *Providence, Portsmouth, and Warwick*, and two Persons for each other place, Town or City, who shall be from time to time thereunto Elected or Deputed by the major part of the Free-men of the respective Towns and Places for which they shall be so Elected or Deputed, shall have a general Meeting or Assembly, then and there to consult, advise and determine in and about the Affairs and Business of the said Company and Plantations. AND FURTHER, We do of our especial Grace, certain Knowledge, and meer Motion, give and grant to the said Governour and Company, of the *English Colony of Rhode-Island, and Providence Plantations in New-England in America*, and their Successors; that the Governour, or in his absence, or by his Permission, the Deputy Governour of the said Company for the time being, the Assistants and such of the Free-men of the said Company, as shall be so as aforesaid Elected or Deputed, or so many of them as shall be present at such Meeting or Assembly as aforesaid, shall be called the General Assembly; and that they, or the greater part of them then present, whereof the Governour, Deputy Governour, and Six of the Assistants, at least to be Seven, Shall have, and have hereby given and granted unto them, FULL POWER AND AUTHORITY from time to time, and at all times hereafter, to appoint, alter, and change, such Days, Times, and Places of Meeting, and General Assemblies, as they

Names of the
first Magi-
strates.

Assemblies.

Number of
Persons Re-
quisite to be at
an Assembly,
and their
Power.

they shall think fit. And to Choose, Nominate, and Appoint such and so many other Persons as they shall think fit, and shall be willing to accept the same, to be free of the said Company and Body Politick, and them into the same to Admit; AND to Elect, and Constitute, such Officer, and Officers. And to grant needful Commissions as they shall think fit and requisite for the Ordering, Managing and Dispatching of the Affairs of the said Governour, and Company, and their Successors. AND from time to time to Make, Ordain, Constitute or Repeal such Laws, Statutes, Orders and Ordinances, Forms and Ceremonies of Government and Magistracy, as to them shall seem meet for the good and welfare of the said Company; and for the Government and Ordering of the Lands and Hereditaments therein after mentioned to be granted, and of the People that Do, or at any time hereafter shall Inhabit, or be within the same; So as such Laws, Ordinances and Constitutions so made be not contrary and Repugnant unto, but as near as may, agreeable to the Laws of this our Realm of *England*, considering the Nature and Constitution of the Place and People there. AND ALSO to Appoint, Order and Direct, Erect and settle such Places and Courts of Jurisdiction, for the hearing and determining of all Actions, Cases, Matters and Things happening within the said *Colony* and *Plantation*, and which shall be in dispute and depending there as they shall think fit. AND ALSO, to distinguish and set forth the several Names and Titles, Duties, Powers, and Limits of each Court, Office, and Officer, Superiour and Inferiour. AND ALSO, to contrive and appoint such Forms of Oaths and Attestations, not Repugnant, but as near as may be agreeable as aforesaid, to the Laws and Statutes of this our Realm, as are convenient and requisite; with respect of the due Administration of Justice, and due Execution and Discharge of all Offices and places of Trust, by the Persons that shall be therein concerned. AND ALSO, to regulate and order the way and manner of Elections to Offices and places of Trust, and to prescribe Limits, and distinguish the Numbers, and Bounds of all Places, Towns or Cities within the Limits and Bounds herein after mentioned and not herein particularly Named, who have or shall have the Power of Electing and Sending of Free-men to the said General Assembly. AND ALSO to Order, Direct and Authorize the Imposing of Lawful and Reasonable Fines, Mulcts, Imprisonments, and Executing other Punishments Pecuniary and Corporal upon Offenders and Delinquents, according to the course of other Corporations within this our Kingdom of *England*. AND AGAIN to Alter, Revoke, Annull or Pardon, Under their Common Seal, or otherwise, such Fines, Mulcts, Imprisonments, Sentences, Judgments and Condemnations as shall be thought fit; and to Direct, Rule, Order and Dispose of as all other Matters and Things, and particularly that which Relates to the making Purchases of the Native Indians, as to them shall seem meet. WHEREBY our said People and Inhabitants in the said Plantations, may be so Religiously, Peaceably and Civilly governed, as that by their good Lives and orderly Conversations, they may win and invite the Native Indians of the Country, to the Knowledge

Laws how near
the Laws of
England.

Power of the
Assemblies to
order Elections

Power of the
Assembly to
Pardon and
Remit.

Laws to be
Published un-
der the Colony
Seal.

Provision in
case the Gover-
nour Die, or
be Removed.

ledge and Obedience of the only true GOD, and Saviour of Man-kind, **WILLING, COMMANDING, AND REQUIRING**, and by these Presents, for Us, our Heirs and Successors, Ordaining and Appointing, that all such Laws, Statutes, Orders and Ordinances, Instructions, Impositions and Directions, as shall be so made by the Governour, Deputy Governour, Assistants and Free-men ; or such number of them as aforesaid, and published in Writing, under their common Seal ; Shall be carefully and duly Observed, Kept, Performed and put in Execution, according to the true Intent and Meaning of the same : And these our Letters Patents, or the Duplicate or Exemplification thereof, shall be to all and every such Officer, Superiour or Inferiour, from time to time, for the putting of the same Orders, Laws, Statutes, Ordinances, Instructions and Directions, in due Execution against Us, our Heirs and Successors, a sufficient Warrant and Discharge. **AND FURTHER**, our Will and Pleasure is, and we do hereby for Us, our Heirs and Successors, establish and ordain, that Yearly once in the Year for ever hereafter ; Namely the aforesaid *Wednesday in May*, and at the Town of *Newport* ; or else-where, if urgent occasion do Require, the Governour, Deputy Governour, and Assistants of the said Company, and other Officers of the said Company ; or such of them, as the General Assembly shall think fit, shall be in the said General Court or Assembly, to be held from that Day or time, newly chosen for the Year ensuing, by such greater part of the said Company for the time being, as shall be then and there present : And if it shall happen, that the present Governour, Deputy Governour, and Assistants by these presents appointed, or any such as shall hereafter be newly chosen into their Rooms, or any of them, or any other of the Officers of the said Company, shall Dye or be Removed from his or their several Offices or Places before the said general Day of Election, whom we do hereby Declare for any Misdemeanour or Fault, to be removeable, by the Governour, Assistants and Company, or such greater part of them in any of the said publick Courts to be Assembled as aforesaid. **THAT THEN** and in every such Case, it shall and may be Lawful, to and for the said Governour, Deputy Governour, Assistants and Company as aforesaid, or such greater part of them so to be Assembled as is aforesaid, in any of their Assemblies, to proceed to a new Election of one or more of their Company, in the Rooms or Places of such Officer, or Officers so Dying, or Removed, according to their Discretions. **AND IMMEDIATELY** Upon, and after such Election or Elections made of such Governour, Deputy Governour, Assistant or Assistants, or any other Officer of the said Company in Manner and Form aforesaid : **THE AUTHORITY**, Office and Powers before Given to the former Governour, Deputy Governour, and other Officer and Officers so Removed, in whose Stead and Place New shall be chosen, shall as to him and them, and every of them respectively, Cease and Determine. **PROVIDED ALWAYS**, and our Will and Pleasure is, that as well such as are by these Presents appointed to be the present Governour, Deputy Governour and Assistants of the said Company, or those that shall Succeed them, and all other Officers to be appointed and chosen

chosen as aforesaid, shall before the undertaking the Execution of the said Offices and Places, respectively give their Solemn ENGAGEMENTS by Oath, or otherwise, for the due and faithful Performance of their Duties in their several Offices and Places, before such Person or Persons as are by these hereafter appointed to take and receive the same (that is to say) the said *Benadiſt Arnold*, who is herein before nominated and appointed the present Governour of the said Company, shall give the aforesaid Engagement before *William Brenton*, or any two of the said Assistants of the said Company, unto whom we do by these Presents give full Power and Authority, to Require and Receive the same: AND the said *William Brenton*, who is hereby before nominated and appointed the present Deputy Governour of the said Company; shall give the aforesaid Engagement before the said *Benadiſt Arnold*, or any two of the Assistants of the said Company, unto whom we do by these Presents, give full Power and Authority to Require and Receive the same; AND the said *William Bolſon*, *John Porter*, *Roger Williams*, *Thomas Olney*, *John Smith*, *John Green*, *John Coggeshall*, *James Barker*, *William Field*, and *Joseph Clark*, who are herein before nominated and appointed the Present Assistants of the said Company, shall give the said Engagement to their Offices, and Places respectively belonging, before the said *Benadiſt Arnold*, and *William Brenton*, or one of them; to whom respectively we do hereby give full Power and Authority to Require and Administer or Receive the same. AND FURTHER, Our Will and Pleasure is, That all and every other future Governour, or Deputy Governour to be elected and chosen by virtue of these Presents, shall give the said Engagement before two or more of the said Assistants of the said Company for the time being, unto whom we do by these Presents, give full Power and Authority to Require, Administer or Receive the same. AND the said Assistants, and every of them, and every other Officer or Officers to be hereafter elected and chosen by virtue of these Presents, from time to time, shall give the like Engagement to their Offices and Places respectively belonging, before the Governour, or Deputy Governour for the time being; unto which said Governour, or Deputy Governour, we do by these Presents give full Power and Authority to Require, Administer or Receive the same accordingly. AND WE do likewise for Us, our Heirs and Successors, give and grant unto the said Governour and Company, and their Successors by these Presents, that for the more peaceable and orderly Government of the said Plantations, it shall and may be Lawful for the Governour, Deputy Governour, Assistants, and all other Officers and Ministers of the said Company, in the Administration of Justice, and Exercise of Government in the said Plantations, to Use, Exercise, and Put in Execution such Methods, Rules, Orders and Directions, not being contrary or repugnant to the Laws and Statutes of this our Realm, as have been heretofore Given, Used and Accustomed in such Cases respectively, to be put in Practice, until at the next or some other General Assembly, special provision shall be made, and ordained in the case aforesaid. AND WE do further, for Us, our Heirs and Successors, give and grant unto the said Governour and Company, and their Successors by these Presents; THAT it shall and may be Lawful to and for the said Governour,

Who shall give
and take the
Engagement.

Power of the
Governour
and Council to
appoint Com-
mission Officers
for the Militia.

Power as to
making War.

Liberty to de-
stroy the Indi-
ans.

Not to Invade
the Indians of
another Colo-
ny, nor other
Colonies to
Invade the In-
dians of this
Colony.

or in his Absence, the Deputy Governour, and major part of the said Assistants, for the time being, at any time when the said General Assembly is not Sitting, to nominate, appoint and constitute such and so many Commanders, Governours, and Military Officers, as to them shall seem Requisite for the Leading, Conducting and Training up the Inhabitants of said Plantations in Martial Affairs; and for the Defence and Safeguard of the said Plantations: AND that it shall and may be Lawful, to and for all and every such Commander, Governour and Military Officers that shall be so as aforesaid, or by the Governour, or in his Absence the Deputy Governour, and Six of the said Assistants, and major part of the Freemen of the said Company present at any General Assembly; Nominated, and Appointed and Constituted according to the Tenor of his and their respective Commissions, and Directions; To Assemble, Exercise in Arms, Martial Array, and put in Warlike Posture the Inhabitants of said Colony for their special Defence and Safety; And to Lead and Conduct the said Inhabitants, and to Encounter, Expulse, Expel and Resist by force of Arms, as well by Sea as by Land; and also to Kill, Slay and Destroy by all fitting ways, Enterprizes and means whatsoever, all and every such Person and Persons, as shall at any time hereafter Attempt or Enterprize the Destruction, Invasion, Detriment or Annoyance of the said Inhabitants or Plantations; And to Use and Exercise the Law Martial in such Cases only as occasion shall necessarily Require: AND to take or Surprize by all ways and means whatsoever, all and every such Person or Persons, with their Ship or Ships, Armour, Ammunition, or other Goods of such Persons, as shall in Hostile manner Invade or Attempt the Defeating of the said Plantations, or the Hurt of said Company and Inhabitants: AND upon just Causes to Invade and Destroy the Native Indians, or other Enemies of said Colony. NEVERTHELESS, our Will and Pleasure is, and we do hereby Declare to the rest of our Colonies in *New-England*, that it shall not be Lawful for this our said Colony of *Rhode-Island* and *Providence-Plantations* in *America* in *New-England*, to Invade the Natives Inhabiting within the Bounds and Limits of their said Colonies, without the Knowledge and Consent of the said other Colonies. AND IT IS HEREBY DECLARED, that it shall not be Lawful to or for the rest of the Colonies, to Invade or Molest the Native Indians, or any other Inhabitant, Inhabiting within the Bounds and Limits hereafter mentioned; they having Subjected themselves unto Us, and being by Us taken into our special Protection, without the Knowledge and Consent of the Governour and Company of our Colony of *Rhode-Island*, and *Providence-Plantations*. ALSO our Will and Pleasure is, and we do hereby Declare unto all Christian Kings, Princes, and States, that if any Person which shall hereafter be of the said Company or Plantations, or any other by Appointment of the said Governour and Company for the time being, shall at any time, or times hereafter Rob or Spoil by Sea or Land, or do any Hurt or Unlawful Hostility to any of the Subjects of Us our Heirs or Successors; or any of the Subjects of any Prince or State being then in League with Us, our Heirs or Successors; upon Complaint of such Injury done to any such Prince or State, of their Subjects: We, our Heirs or Successors will make open Proclama-

Proclamation within any part of our Realm of *England*, fit for that purpose, the Person or Persons committing any such Robbery or Spoil, shall within the time Limited by such Proclamation, make full Restitution or Satisfaction of all such Injuries done or committed, so as the said Prince or others so complaining, may be fully Satisfied and Contented; And if the said Person or Persons who shall commit any such Robbery or Spoil, shall not make Satisfaction accordingly within such time so to be Limited, that then We our Heirs and Successors, will put such Person or Persons out of our Allegiance and Protection; and that then it shall and may be lawful and free for all Princes or others, to Prosecute with Hostility such offenders, and every of them, their and every of their Procurers, Aiders, Abettors and Counsellors in that behalf. PROVIDED ALSO, and our Express Will and Pleasure is, and we do by these Presents for Us, our Heirs and Successors, Ordain and Appoint, that these Presents shall not in any manner, hinder any of our loving Subjects whatsoever from Using and Exercising the Trade of Fishing upon the Coast of *New England* in *America*; But that they, and every, or any of them shall have full and free power and liberty to continue and Use the Trade of Fishing upon the said Coasts in any of the Seas thereunto adjoining, or any Arms of the Seas, or Salt Water, Rivers and Creeks where they have been accustomed to Fish; and to Build and Set upon the Wast-Land belonging to the said Colony and Plantations, such Wharfs, Stages and Work-Houses as shall be necessary for the Salting, Drying and Keeping of their Fish to be taken or gotten upon that Coast: AND FURTHER, for the Encouragement of the Inhabitants of our said Colony of *Providence Plantations* to set upon the Business of taking Whales; it shall be Lawful for them, or any of them, having struck a Whale, Dubertus, or other great Fish, it or them to pursue unto any part of that Coast, or into any Bay upon the said Coast, or in the said Bay, River, Cove, Creek or Shoar belonging thereunto, and it or them to Kill and order for the best Advantage, without Molestation, they making no wilful waste or spoil of any thing in these presents contained, or any other matter or thing to the contrary notwithstanding; AND FURTHER ALSO we are graciously pleased, and do hereby declare, that if any of the Inhabitants of our said Colony, do set upon the Planting of Vineyards, the Soil and Climate both seeming naturally to concur to the Production of Wines, or be industrious in the Discovery of Fishing Banks in or about the said Colony, we will from time to time give and allow all due and fitting Encouragement therein, as to others in cases of like Nature. AND FURTHER, OF OUR MORE AMPLE GRACE, certain Knowledge and meer Motion, we have Given and Granted, and by these Presents, for Us, our Heirs and Successors, do Give and Grant unto the said Governour and Company of the *English Colony of Rhode-Island*, and *Providence Plantations* in the *Narragansett-Bay* in *New-England* in *America*; and to every Inhabitant there, and to every Person and Persons Trading thither, and to every such Person or Persons as are, or shall be free of the said Colony, full Power and Authority from time to time, and at all times hereafter to take Ship,

Liberty of
Fishing.

Liberty as to
Wines.

Liberty to
Transport
Persons.

Liberty to
Transport
Goods.

Clause of In-
denization:

Bounds of the
Colony.

Western
Bounds.

Easterly
Bounds.

Ship, Transport and carry away out of any of our Realms and Dominions, for and towards the Plantation and Defence of the said Colony, such and so many of our loving Subjects, and Strangers, as shall and will willingly accompany them in, and to their said Colony and Plantation; except such Person or Persons, as are, or shall be therein restrained by Us, our Heirs and Successors, or any Law or Statute of this Realm. AND ALSO to Ship and Transport all, and all manner of Goods, Chattels, Merchandizes, and other things whatsoever, that are, or shall be useful or necessary for the said Plantations, and Defence thereof, and usually Transported, and not Prohibited by any Law or Statute of this our Realm; yielding and paying unto Us, our Heirs and Successors, such the Duties, Customs and Subsidies, as are, and ought to be paid, or payable for the same. AND FURTHER, our Will and Pleasure is, and we do for Us, our Heirs and Successors, Ordain, Declare and Grant unto the said Governour and Company, and their Successors, that all and every the Subjects of our Heirs and Successors, which are already Planted and Settled within our said Colony of *Providence-Plantations*; or which shall hereafter go to Inhabit within the said Colony, and all and every of their Children which have been Born there, or which happen hereafter to be Born there, or on the Sea going thither, or returning from thence, shall have and enjoy all Liberties and Immunities of free and natural Subjects, within any the Dominions of Us, our Heirs or Successors, to all Intents, Constructions and Purposes whatsoever, as if they, and every of them were Born within the Realm of *England*. AND FURTHER KNOW YE, that we of our more abundant Grace, certain Knowledge, and meer Motion, have given, granted, and confirmed; and by these Presents, for Us, our Heirs and Successors, do give, grant and confirm unto the said Governour and Company, and their Successors, ALL THAT PART OF OUR DOMINIONS in *New-England*, in *America*; Containing the *Nabantick* and *Naubygausett*, alias, *Naraganset-Bay*, and Countries and Parts adjacent; Bounded on the West, or Westerly to the middle or Channel of a River, there commonly called, and known by the name of *Pacatncke*, alias, *Pawcatuck* River, and so along the said River, as the greater or middle Stream thereof reacheth, or lies up into the *North* Country, Northward unto the head thereof, and from thence by a strait Line, drawn due *North*, until it meet with the South Line of the *Massachusetts-Colony*: AND on the North or Notherly, by the aforesaid *South* or *Southerly* Line of the *Massachusetts-Colony*, or Plantation, and extending toward the East, or Easterly, three *English* Miles to the East North-East, of the most Eastern and Northern parts of the aforesaid *Naragansett-Bay*, as the said Bay lieth or extendeth it self from the Ocean, on the South or Southerly, unto the mouth of the River which runneth towards the Town of *Providence*, and from thence along the Easterly side or Bank of the said River higher, called by the Name of *Seconk* River, up to the Falls, called *Pawtuckett* Falls being the most Westerly Line of *Plimouth* Colony, and so from

from the said Falls in a strait Line due North, until it meet with the aforesaid Line of the *Massachusetts-Colony*; and bounded on the South by the Ocean, and in particular the Lands belonging to the Towns of *Providence*, *Pawtuxet*, *Warwick*, *Misquomicuck*, alias, *Pawcatuck*, and the rest upon the Mainland, in the Tract aforesaid; together with *Rhode-Island*, *Block-Island*, and all the rest of the Islands and Banks in the *Narragansett-Bay*, and bordering upon the Coast of the Tract aforesaid; (*Fishers-Island* only excepted) Together with all firm Lands, Soils, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines Royal, and all other Mines, Minerals, Precious Stones, Quarries, Woods, Wood Grounds, Rocks, Slates, and all and singular other Commodities, Jurisdictions, Royalties, Priviledges, Franchises, Preheminencies, and Hereditaments whatsoever, within the said Tract, Bounds, Lands and Islands aforesaid; or to them, or any of them belonging, or in any wise appertaining: To have and to hold the same unto the said Governour and Company, and their Successors, for ever upon trust, for the Use and Benefit of themselves, and their Associates, Freemen of the said Colony, and their Heirs and Assigns: To be holden of Us, our Heirs and Successors, as of the manner of *East Greenwich* in our County of *Kent*, in free and common Soccage, and not in *Capite*, nor by Knights Service, yielding and paying therefore unto us, our Heirs and Successors, only the fifth part of all the Oar of Gold and Silver, which from time to time, and at all times hereafter shall be there gotten, had or obtained, in lieu and satisfaction of all Services, Duties, Fines, Forfeitures made, or to be made, Claims, Demands whatsoever, to be to us, our Heirs or Successors; therefore or thereout rendered, made or paid: Any Grant or Clause in a late Grant to the Governour, and Company of *Connecticut Colony* in *America*, to the contrary thereof, in any wise notwithstanding: The aforesaid *Pawcatuck* River having been yielded after much Debate, for the fixed and certain Bounds between these our said Colonies, by the Agents thereof; who have also agreed, that the said *Pawcatuck* River shall be also called, alias, *Narraganset* River; and to prevent future Disputes that otherwise might arise for ever hereafter, shall be Construed, Deemed and Taken to be the *Narraganset* River, in our late Grant to *Connecticut Colony*, mentioned as the Easterly Bounds of that Colony. AND FURTHER, our Will and Pleasure is, that in all Matters of publick Controversie which may fall out between our Colony of *Providence-Plantations*, and the rest of our Colonies in *New-England*; It shall and may be lawful, to and for the Governour and Company of the said Colony of *Providence-Plantations*, to make their Appeals therein, to Us, our Heirs and Successors, for Redress in such Cases, within this our Realm of *England*. AND that it shall be lawful, to and for the Inhabitants of the said Colony of *Providence-Plantations*, without Lett or Molestation, to Pass and Repass with freedom into and through the rest of the *English* Colonies, upon their lawful and civil Occasions; and to Converse and hold Commerce and Trade with such of the Inhabitants of our other *English* Colonies, as shall be willing to admit them thereunto; they behaving themselves

D

peaceably

Northern
Bounds.

General
Grant of all
Commodities,
and Minerals,
&c.

To have and
to hold.

The *Narra-
ganset* River
stated.

Power of
Appeals.

Free Trade
with other
Colonies.

peaceably among them: Any Act, Clause or Sentence in any of the said Colonies provided; or that shall be provided to the contrary in any wise notwithstanding. AND Lastly, we do, for Us, our Heirs and Successors, Ordain and Grant unto the said Governour and Company, and their Successors by these Presents, That these our Letters Pattents, shall be firm, good, effectual, and available in all things in the Law, to all Intents, Constructions and Purposes whatsoever, according to our true Intent and Meaning herein before Declared; And shall be construed, reputed and adjudged in all cases most favourable on the behalf, and for the best benefit and behoof of the said Governour and Company, and their Successors; although express mention of the true yearly Value, or certainty of the Premises, or of any of them, or of any other Gifts or Grants by us, or by any of our Progenitors or Predecessors heretofore made to the said Governour and Company of the *English Colony of Rhode-Island and Providence-Plantations* in the *Narragansett-Bay* in *New-England*, in *America*, in these Presents is not made, or any Statute, Act, Ordinance, Proclamation or Restriction heretofore Had, Made, Enacted, Ordained or Provided, or any other Matter, Clause or Thing whatsoever to the contrary thereof in any wise notwithstanding. In Witness whereof, we have caused these our Letters to be made Pattents. **WITNESS** Our Self at *Westminster*, the Eighth Day of *July*, in the Fifteenth Year of Our Reign,

By the King,

Howard.

The TABLE.

A		Page.		
A	Batement, Pleas thereof.	194	From Justices Courts to the Courts of Common Pleas.	208
	Act to prevent Inhabitants of the Colony from being defrauded by those that leave it.	206	Artificers.	175
Act	enabling the Court of Trials to proceed to Judgment and Execution.	204	Arrest, Writs of Arrest and Summons, their Return regulated.	128, 129
Acts of Assembly	to be registered by the Recorder.	15	Witnesses coming from another Government protected from an Arrest.	26
Actions transitory,	to be brought to any Inferior Court.	193	Assembly General, how call'd.	2
Actions not exceeding Forty Shillings,	how Triable.	33, 34	Made two Houses.	36, 37
Actions limited.		144	Assessing Rates and Taxes, and Assessors Engagement.	47
Administration, how granted, and the Duty of Administrators.		6	Assembly-Men, their Protection.	10, 132
Administratrix marrying, her Husband to give Bond.		7	Assistants, their Salary, and Wages of the Deputies.	118
Adultery.		172	Affize of Bread.	57, 58, 59
Administration to be granted to the Wife of Persons Three Years absent.		69	Affault and Battery.	172
See Explanatory Act.		86 to 88	Attorney General, when Elected.	1
Bond to be given.		87	His Duty.	25
Amendment of, and Addition to several Laws.		164 to 166	His Fees.	130
Appeal from Town Councils to the General Council.		6	Attachments in civil Actions.	100
Appeal to the Assembly.		28, 192	Attorneys regulated.	105
Appeal to His Majesty in Council.		106, 192		
Appeal from the Sessions to the Superior Court.		188		
From the Justices out of Sessions, in Criminal Cases.		189		
From the Courts of Common Pleas to the Superior Court.		192		
		A		
			B	
			Battery, Assault and Battery.	172
			Bar, Pleas in Bar.	194
			Bills of Credit Emittid.	59, 62, 63, 64, 78 to 83, 115, 151, 152, to 156, 162
			Bills	

The TABLE.

Bills Counterfeited, Punishment thereof.	61	Court of Tryals, when held, their Power, and Clerk of the same.	8
Tearing them.	133, 134	Constables and other Town Officers Elected.	16, 17
Called in.	108, 143, 152	Confirmation from the General Assembly to <i>Newport, Providence, Portsmouth and Warwick.</i>	30, 31, 32
Those to be paid in, regulated.	160	Conveyances and Deeds to be Registered.	73
Grand Committee impowered to Sue Mortgages.	181	Commissions for Privateers.	36, 98
Bills of Costs, taxing them.	137	Collonel's Commission, the Form thereof.	197
Births, Marriages and Burials to be Recorded.	44 to 46, 146, 147	Justices Commission, the Form thereof.	32
Bond to be given by Captrains of private Men of War.	36	Cordwood to be Four Foot long.	41
In Replevin.	39	Cordwainers.	54
By Administrators.	87	Committee for Signing Bills of Credit.	60
Sheriff to be governed by the Law of <i>England</i> , in taking Bonds in Civil Actions.	146	Committee, Grand Committee impowered to Sue Mortgages.	181
Bonds Fraudulent, &c. to be deemed Void.	173	Conspiracy, &c.	173
Burglary.	170	Contagious Sicknefs.	66, 67, 68
Bristol Ferry.	130	Costs secured to the Inhabitants.	52
Breach of the Peace.	172	Settled at the Court of Tryals.	63
		Recovery of Costs in all Cases discontinued.	131
		Bills of Cost, how taxed.	137
		Collector, his Fees.	108
		Collecting Rates, where the Person Rated hath no visible Estate.	36
		Council, Town Councils to secure the Personal Estate of Deceased Persons.	134, 135
		To be as Judge of Probates.	5
		Of whom Constituted.	16
		To grant Licences.	179, 180
		To prevent disorderly Indian Dances.	185
		Their Orders relating to Dogs to be Binding.	186
		Colony divided into Three Counties.	187
		Common Recoveries.	192

Courts

C

Cattle, Neat Cattle, Horses, &c. upon their Killing any Person, to be Forfeited.	172
Cattle, Damages done by them, how recovered.	39
Causes where the King is concerned.	192
Certificate for Shipping.	49
Civil Actions, Sheriff to be govern'd by the Law of <i>England</i> in taking Bonds.	146

The TABLE.

Courts of General Sessions of the Peace appointed.	188, 189
Appeal from them to the Superior Court.	188
Common Pleas appointed.	190
Appeal from them to the Superior Court.	192
Their Judgment to be final on an Appeal from Justices Courts.	208
Proceedings in the several Courts regulated.	193
Children, unruly Children and Servants.	170
Charitable Uses, Lands, &c. given for that End.	122 to 124
Clandestine Transportations of the Inhabitants.	43, 44
Clandestine Marriages.	44
Clerk of the House of Deputies, his Fees.	161
Cursing, Profane Cursing and Swearing.	175
Curriers.	54
Criminal Offences.	169 to 176
No Person to exercise any Office, without being Authorized.	169
None to Threaten, &c. any Officer in the Execution of his Office.	<i>ibid.</i>
Punishment for Treason, Murder, &c.	170
Punishment for cutting out Tongues, &c.	<i>ibid.</i>
Witchcraft to be punished with Death.	<i>ibid.</i>
Burglary to be punished with Death.	<i>ibid.</i>
Robbery to be punished with Death.	<i>ibid.</i>
Punishment for Theft.	171
For want of Goods, and Chattels to be Sold by the Sheriff.	<i>ibid.</i>
Punishment for several Offences.	<i>ibid.</i>
Any Officer extorting unlawful Fees, to pay Treble Damages.	<i>ibid.</i>
Sodomy to be Punish'd with Death.	<i>ibid.</i>

Adultery to be punished with Whipping or Fining.	172
Fornication to be punish'd with Whipping, or a Fine of Forty Shillings.	<i>ibid.</i>
Punishment for Rioting.	<i>ibid.</i>
Punishment for Breach of the Peace.	<i>ibid.</i>
Assault and Battery.	<i>ibid.</i>
Horses, Neat Cattle, &c. upon their Killing any Person, to be Forfeited.	<i>ibid.</i>
Fraudulent Bonds, &c. to be deem'd void.	173
Punishment for Conspiracy, &c.	<i>ibid.</i>
Remedy for Persons agrived.	<i>ibid.</i>
Punishment for Persons giving, and Jurors receiving a Reward.	<i>ibid.</i>
Punishment for Forgery, &c.	174
Punishment for putting away Servants without Cause.	<i>ibid.</i>
No Servant to leave his Service without sufficient Cause under the Hand of one or more Assistant, &c.	<i>ibid.</i>
Punishment for retaining Servants.	175
No Artificer to leave his Work till Finish'd, on the Penalty of Five Pounds.	<i>ibid.</i>
Punishment for Drunkenness.	<i>ibid.</i>
Punishment for prophane Swearing and Cursing.	<i>ibid.</i>

Damages

The T A B L E.

D	
Damages done by Cattle, how Recovered.	39
Deputies, when Elected, and their Pay.	2
Their Fine for Non-appearance, and Engagement.	3
Their Wages.	118
Debts due from any Town, how recovered.	24
Indians Sued for Debt.	133
Debtors in Goal upon Execution.	103, 178
Deeds, how Regiftred.	73
Depositions out of Court.	101
Deceased Persons, their Estate to be secured by the Town Council.	134, 135
Deer.	158
Derainer, Forcible Entry and Detainer.	176
Demurrer.	194
Deputy Governour, his Salary.	126
Discontinued, Recovery of Costs in all Cafes discontinued.	131
D'straints and Executions.	14, 15
Distribution of Intestate Estates.	163, 164
Division of the Colony into Counties.	187
Dogs worrying or killing Sheep, &c.	39
Town Councils to make Laws relating to the keeping them.	186
Dower.	75
Docking of Estate's Tail.	138, 139
Duty on Tunnage of Shipping.	49, 50
On Slaves.	64
Fees for the same.	65
Drunkenness.	114, 139, 175

E	
East Greenwich Township Elected.	23
Extended to the Colony Line.	53
Election of General Officers, the Time when Elected, and who shall Vote at Elections.	1
Election of Town Officers.	16
Their Engagement.	17
See additional Act.	29
Entry, Forcible Entry and Detainer.	176
Engagement on Rateable Estates.	47
Of Military Officers.	92
Of the Clerk of a Company.	93
Of Justices of the Peace.	32
Estate Personal of Deceased Persons, to be secur'd by the Town Council.	134
Estates Tail, how Dock'd.	138, 139
Estates Intestate, their Distribution.	163, 164, 182
Executrix marrying, her Husband to give Bond.	7
Executors, their Duty.	5
Excessive Usury.	182

The T A B L E.

F	
Fees in the Court of Probates, and General Court of Tryals.	11
For the Recorder.	12
For the Sheriff.	13, 128
In Justices Courts.	34
For the Attorney General.	14, 130
For Judges.	14
For Officers at the Court of Tryals, how paid.	85
For the Collector.	108
For the Clerk of the House of Deputies.	161
For Petitions preferred to the General Assembly.	162
See the Act for Establishing Fees.	198 to 204
Ferrys regulated.	35, 147
Ferry between <i>Portsmouth</i> and <i>Bristol</i> .	130
Fences, how made and maintain'd.	17
What Fence shall be accounted Lawful.	18
Fences regulated.	140
Water Fences, how made and maintained.	180
Fines to be paid by the Sheriff into the Treasury.	15
Fine for Sports and Labour on the first Day of the Week.	27
For Towns not choosing Town Officers.	29
Jurors Fines.	142
Troopers Fines.	147
Firing the Woods.	51, 52, 127
Fire doing Damage in <i>Newport</i> .	40
Fines and Common Recoveries to be recorded.	156, 157
Fish, purloining of Fishing.	129, 130
Flax and Hemp, the Price stated.	119
<i>Forty Shilling</i> Actions how to be Try'd.	33
Forgery.	174
Fornication.	172
Form of a Collonel's Commission.	97
Of the Engagement of Military Officers.	92

Of the Engagement of the Clerk of a Company.	93
Fraud in Fire wood.	41
Fraudulent Bonds, &c. to be deem'd void.	173
Freeholders, none but Freeholders to be Deputies.	2
Freemen's Priviledges.	3
Who shall be admitted Freemen.	4, 131, 209

G	
General Assembly, how call'd.	2
Made Two Houses,	36
General Court of Tryals, and their Power.	8
General Sessions of the Peace appointed.	188
General Treasurer's Salary stated.	205
Governour to call the Assembly on special Occasions.	2
To appoint a Naval Officer.	30
To grant Commissions for private Men of War.	35, 98
Governour Deputy, his Salary.	126
Goal to be Built in <i>Providence</i> .	42
Goods and Stocks of Money for Charitable Uses.	122
Gunner Established at Fort <i>Ann</i> .	72
Grants made to <i>Newport</i> , <i>Providence</i> , <i>Portsmouth</i> , <i>Warwick</i> and <i>Westerly</i> , confirm'd.	30, 31, 32
Grand Committee impower'd to Sue Mortgages.	181

B Hawkers,

The T A B L E.

	H		Justices out of Sessions, Ap- peal from them to the Ge- neral Sessions in Criminal Cases.	189
			Juries to lay out High-ways. To attend the Court of Tryals.	76 77
			Their Fines, how Disposed of. Who are exempted from serving as Jurors.	78 111, 210
			Jurors and Members of the General Assembly protect- ed.	10, 132
			Jurors Fines. Each Town's Quota stated. Grand and Petit Jurors Oath.	142 207 196
			Punishment for Persons giv- ing, and Jurors receiving a Reward.	173
			Judgment of the Courts of Common Pleas, on an Ap- peal to them from Justices Courts to be final.	208
			Imprisonment of those at the King's Suit. Of those not able to find Bail upon mean Process.	21 178
			Impounding of Cattle. To be replevin'd.	39 <i>ibid.</i>
			Intrusion into the <i>Narragansett</i> Lands, Void.	37
			<i>Indians</i> not to be abroad at Night, nor entertained by any.	50
			Their being Sued for Debt. Illegal Purchases from them. Their disorderly Dances, Town Councils to pre- vent them.	133 148 185
			<i>Indian Slaves</i> not to be Im- ported.	82
			<i>Indians</i> and <i>Negroes</i> found stealing.	104
			Inhabitants Costs secured. Not to be clandestinely trans- ported out of the Colo- ny.	52 43, 44
	I	Town		
Hawkers.	159, 160			
Hemp and Flax.	119			
Hemp, Encouragement for raising it.	149, 150, 161			
Highways, how laid out. To be laid out in <i>Provi-</i> <i>dence.</i>	76 136			
Hogs not to run at large.	40			
Horse, Three Troops of Horse to be raised.	96			
Horses, Neat Cattle, &c. upon their killing any Person to be Forfeited.	172			

The T A B L E.

Town Councils to receive or reject Strangers as Inhabitants.	150, 151
Insolvent Debtors.	103, 178
Intestate Estates, their Distribution.	163, 164, 182

Laws, Amendment of, and Addition to several.	164 to 166
Several Repealed.	167 to 169
Avoiding Suits at Law.	68
Lawyers.	209
Lawyers regulated.	105
Licences, Town Council to grant Licences for retailing Strong Liquors.	179, 180
Limitation of Personal Actions.	144
Liquors, Sailors not to be trusted with them.	28

K

<i>Kingstown</i> made a Township.	22
Divided.	126
King, Causes where he is concerned.	192

M

Masters putting away their Servants.	174
Masters, Vendue Masters, their Duty.	111
Masters of Vessels to make Report to the Governour.	43
Upon bringing in Strangers to give Bond.	184
Marriages, how consummated.	44
Marriages Clandestine, how punished.	45
Marriages, Births and Burials to be Recorded.	146, 147
Maimed Persons in the Colony's Service to be maintained by the Colony.	99, 100
Members of the General Assembly and Jurors protected.	10, 132
Measures and Weights.	38, 177
Meetings, Town Meetings regulated.	184
Ministers.	84
Militia.	

L

Lands not to be subjected to another Government.	19
Land, <i>Ninnigret's</i> .	88
Lands, Goods and Money, for Charitable Uses not to be misemployed.	122
Labour on the first Day of the Week.	27
Ladders to be provided in <i>Newport</i> .	40
Laws of <i>England</i> , how in force.	42

The T A B L E.

Militia.	90 to 99	<i>Negro</i> Slaves, Money raised on the Importing them, how disposed of.	183
Form of Engagement for Military Officers.	92	Neat Cattle, Horses, &c. upon their Killing any Person to be forfeited.	172
Of a Clerk's Engagement.	93	Nets, Fish-Nets.	129
Of a Collonel's Commission.	97	<i>Ninnigret</i> , Overseers appointed to Lease out his Lands.	8
Millers regulated.	141		
Mortgages to be registred, and how discharged.	75		
Money, Stocks thereof, Goods and Lands for Charitable Uses.	122 to 124		
Money raised on the Importation of Negroes, how disposed of.	183		
Murder, Treason, &c.	170		
O			
		Oath of General Officers.	2
		Of Deputies.	3
		Of Grand and Petit Jurors.	196
		Officers, the Payment of their Fees.	85
		Officers Military, the Form of their Engagement.	92
		Clerk's Engagement.	93
		Officers Threaten'd, &c.	169
		Extorting unlawful Fees.	171
		Office, none to exercise any Office without Authority.	169
		Offences Criminal.	169 to 176
		Punishment for several Offences.	171
		Overseers appointed to Lease out <i>Ninnigret's</i> Lands.	88
N			
Naval Officer to be appointed by the Governour, and his Duty.	30		
His Power relating to Vessels having Infectious Sicknesses on board.	67		
<i>Newshorcham</i> Township erected.	21		
<i>Newport</i> , <i>Providence</i> , <i>Portsmouth</i> , <i>Warwick</i> and <i>Westerly</i> , their Grants confirmed.	31		
Negroes and Indians not to be abroad after Nine of Clock at Night, and the Punishment for those that entertain them.	50		
Negroes imported.	64		
Negroes Runaway.	72		
Negroes and Indians stealing.	104		
Negro and Molatto Slaves, their Freedom regulated.	162, 163		

The T A B L E.

P	
Passengers not to be Landed without leave.	43
Paving.	107
Pension for Persons maimed in the Colony's Service.	99, 100
Personal Estate of Deceas'd Persons to be secured by the Town Council.	134
Personal Actions limited.	144
Pedlers.	159, 160
Peace, Breach of the Peace.	172
Pleas, Courts of Common Pleas appointed.	190
Pleas of Abatement, Pleas in Bar or Demurrer.	194
Pounds to be Erected in each Town.	20
Portsmouth, the Grants to Portsmouth, Newport, Providence, Warwick, and Westley, confirm'd.	30, 31, 32
Pots, Fish-Pots.	129
Possessions quieted.	68
Pox, Small Pox.	119, 125, 210
Priviledge of the Inhabitants.	4
Prisoners, Poor Prisoners at the King's Suit, how maintained.	21
Those not able to find Bail upon mean Procefs.	103, 178
Proxy Votes, how taken.	1
Protection of the Members of the Assembly and Jurors.	10, 132
Protection of Witnesses, coming from another Government, from an Arrest.	26
Proprietors of each Town to meet for the management of their Affairs.	31
Providence to lay out High Ways.	136
Proceedings in the several Courts within the Colony.	193

Probate of Wills, Fees for the same.	11, 198
Purchases Clandestine of the Native Indians.	4, 148
Purchases Fraudulent of <i>Nin-nigret</i> .	70

Q	
Quieting Possessions.	68
Quota of Jurymen for each Town.	207

R	
Ratemakers, and other Town Officers, how chosen.	16
Fines for not Serving, and Form of their Engagement.	17
Rates, how to be paid, where the Person hath no visible Estate.	36
How to be applied.	42
How Assessed on the Colony.	47
How on the several Towns.	<i>ibid.</i>
How Collected.	72

C

Rateable

The T A B L E.

Rateable Estates, Engagement thereon.	47	Of the General Treasurer.	205
Recorder General, when Elected.	1	Seal of the Colony.	4
To Register the Acts of Assembly, and send Copies to the several Towns.	15	Searchers and Sealers of Leather.	56
His Wages.	119	Servants, unruly Children and Servants.	170
Recording of Marriages, Births and Burials.	146, 147	Servants put away.	174
Of Fines and Common Recoveries.	156, 157	Leaving their Masters.	ibid.
Rehearing from the General Court of Tryals.	23	Punishment for retaining them.	175
None to be granted upon a <i>Nihil Dicit</i> .	89, 90	Sheriff, when Elected, and how.	1
Replevin of Neat Cattle, &c.	39	To appoint a Deputy or Deputies.	25
Registering Deeds.	73	His Fees.	128, 203
Return of Writs of Arrest and Summons.	128	What Bonds he shall take.	146
Recovery of Costs in all Cases discontinued.	131	Sheep, &c. torn by Dogs.	39
Refidends, Costs secured to them.	52	Ships, &c. not to Sail without a Certificate.	49
Repealing of several Laws.	167, 168, 169	Sickness contagious.	66
Riding, excessive Riding in <i>Newport</i> and <i>Providence</i> .	19	Slaves imported.	64
Rioting.	172	<i>Indian</i> Slaves, not to be imported.	82
Robbery.	170	Small Pox.	66, 119, 125
Runaway <i>Negroes</i> .	72	Sodomy.	171
		Stealing, <i>Indians</i> stealing.	104
		Stocks to be Erected in each Town.	20
		Stocks of Money, &c. for Charitable Uses, how to be employ'd.	125
		Strangers coming from Sea, prevented from being chargeable.	185
		Suits Vexatious.	101
		In Actions not exceeding <i>Forty Shillings</i> .	138
		Where the Recorder or Sheriff are Parties.	102
		Surveyors of the Highways of <i>Newport</i> , to recover the Charges of Paving.	107
		Summons, Writs of Arrest and Summons, their Return regulated.	128
		Sued, <i>Indians</i> Sued for Debt.	133
		Swearing, Profane Curfing and Swearing.	175
S			
Sailors not to be trusted by Tavern-keepers.	28		
Sailors and Soldiers maimed.	99, 100		
Salary of Assistants.	118		

The T A B L E.

T	
Tavern-keepers not to trust Sailors.	28
Not to Sell Liquors to common Tiplers.	114
Taxes, how to be applied.	42
How to be Assessed on the Colony.	47
On the several Towns.	<i>ibid.</i>
How collected.	48
Taxing of Bills of Cost.	137
Tanners, Curriers and Cordwainers.	54
Tearing of Bills of Credit.	133
Theft.	171
Negroes and Indians stealing.	104
Town Councils, to prove Wills, and grant Administrations.	5
To regulate the Fishing in Rivers.	110
To grant Licences.	179, 180
To prevent disorderly Indian Dances.	185
Their Power to receive or reject Strangers as Inhabitants.	150, 151
Their Orders relating to Dogs, to be Binding.	186
Towns to Elect Town Officers.	16
Their Power in making Freemen.	<i>ibid.</i>
By whom Fined on neglect of paying their Debts to private Persons.	24
To provide Weights and Measures.	38
Town Officers Engagement.	17

Their Election enforced.	29
Town Sergeants, how chosen, and their Fine.	16
Their Wages.	118
Town Treasurers Actions to be brought against them for Town Debts.	24
Town Meetings regulated.	184
Toll, how much to be taken.	141
Tongues, cutting out Tongues, &c.	170
Transitory Actions to be brought to any Inferior Court.	193
Treasurer General appointed.	1
His Salary stated.	205
Trespases.	112
Troops of Horse, Three to be raised.	96
Troopers Fine.	147
Tunnage of Shipping:	49, 50

V U	
Vexatious Suits.	101
In Actions not exceeding Forty Shillings.	138
Vendue Masters Duty.	111
Votes, Proxy Votes, how taken and returned.	1
Usury excessive.	181

Wages

The T A B L E.

W		Watches.	109
Wages, of Deputies.	118	Westerly a Township.	20
Of Town Serjeants.	ibid.	Weights and Measures:	38, 177
Of the Recorder.	119	Wears, Fish caught therein.	129
Water Fences, how made and maintained.	180	Wills, how made and proved.	5
		Witnesses to Wills, their Oaths.	ibid.
		Witnesses from other Governments in Criminal Causes, protected from an Arrest.	26
		Witchcraft.	170
		Wood to be Corded.	41
		Woods being fired.	51, 127
		Writs of Arrest and Summons, their Return regulated.	128

2

ACTS
AND
LAWS,
Of His Majesty's
COLONY
OF
Rhode-Island,
AND
Providence-Plantations,
In AMERICA.



NEWPORT, *Rhode-Island* :
Printed by JAMES FRANKLIN, and Sold at his Shop near
the Town School-House. 1730.

ACTS

AND

LAW

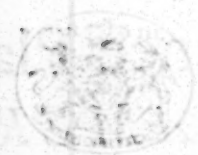
COLONY

Rhode-Island,

AND

Provisions

IN



Printed by James F. Smith, at the Press of the Providence Journal, 1877.



L A W S,

Made and pass'd by the General Assembly of His Majesty's Colony of *Rhode-Island, and Providence-Plantations*, Begun and Held at *Newport*, the first Day of *March*, 1663.

An Act regulating the Election of General Officers.



E IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is hereby Enacted, That all Persons whatsoever, that are Inhabitants within this Colony, and admitted Freemen of the same, shall and may have liberty to Vote for the Electing of all the General Officers in this Colony, either in Person or by Proxy, upon the first *Wednesday* of *May* Annually, as is express'd in the Charter of the Colony.

Who shall
Vote at General Elections.

The time
when Elect'd.

AND be it further Enacted by the Authority aforesaid, That on the first *Wednesday* of *May* Annually, there shall be Chosen and Elect'd, one General Recorder, who shall be Secretary of the Colony, one Sheriff, who shall have the Care and Custody of His Majesty's Goal in *Newport*, one General Attorney, and one General Treasurer; for the better regulating and managing the Affairs of the Government, and shall be Chosen in manner as aforesaid.

General Recorder, Sheriff, Attorney-General and General Treasurer appointed.

AND that each and every Person that shall Vote by Proxy, shall on the Town-Meeting Day next preceeding the General Election, openly in said Meeting, deliver in his Votes to the Town Clerk of the Town wherein he Dwells, with his Name written at length on the backside or the bottom thereof; which Votes so taken, shall be immediately Sealed up by the Town Clerk, and by him delivered either to an Assistant, Justice, Warden or Deputy of said Town, who shall be by the said Town-Meeting appointed for the same; by him to be delivered to the Governour, or Deputy Governour in open Court, before the Election proceed.

Proxy Votes
how taken.

And return'd
to the Assembly.

AND

General Officers to be Engaged.

AND be it further Enacted by the Authority aforesaid, That all General Officers shall take the following Engagement, before they Act in their respective Offices.

The Form of the Engagement.

YOU A. B. are by the free Vote of the Free-men of this Colony of Rhode-Island, and Providence-Plantations, Elected unto the place of _____ in this said Colony, and do solemnly Engage true Allegiance unto His Majesty, His Heirs and Successors to bear, and in your said Office, equal Justice to do, unto all Persons, Poor and Rich within this Jurisdiction, to the utmost of your Skill and Ability, without Partiality, according to the Laws established, or that shall be established according to the Charter of this Colony, as well in matters Military as Civil. And this Engagement You make and give upon the Peril of the Penalty of Perjury.

The Reciprocal Engagement.

I Do in the Name and Behalf of this Colony, Re-engage to stand by YOU, and to support you by all due Assistance and Encouragement in the Performance and Execution of your aforesaid Office, according to your Engagement.

None but Freemen and Freeholders to be Deputies.

What time the Deputy shall be Elected.

And how returned to the Assembly.

AND be it further Enacted by the Authority aforesaid, That no Person shall be Elected to the Place of a Deputy to Sit in the General Assembly of this Colony, but those that are Freeholders therein, and Freemen of the same; And that each respective Town in this Colony, shall Choose and Elect their Number of Deputies as stated in the Charter, at their respective Town Meetings next preceeding such Court of Assembly, for the which they shall be Elected. And that the Town Clerk of each respective Town shall grant forth his Warrant to the Town Sergeant or Constable of said Town, to warn such Deputies as shall from time to time be Chosen in each respective Town, to attend the Assemblies for which they are Chosen; and also the Town Clerk shall make return of such Deputy Chosen as aforesaid, to the General Recorder for the time being, on the first opening of the Assembly; who is hereby appointed Clerk of the same.

On urgent Occasions the Governour, or Deputy Governour to call the Assembly.

AND be it Enacted by the Authority aforesaid, That when and so often as any Emergent Occasions shall require an Assembly to be called at any other times then is expressly mentioned in the Charter, that then and in such Cases, the Governour, and in his absence the Deputy Governour, shall, and they are hereby fully Authorized and Impowered, to Grant forth a Warrant to the Sheriff, to Warn and Require the Freemen of each respective Town in the Colony, to Choose and Elect their respective Number of Deputies as aforesaid, to such Court as by the Governour, or Deputy Governour's Warrant shall be directed; their Notification and Return to be in manner as aforesaid.

Deputies paid Three Shillings per Day.

AND be it Enacted by the Authority aforesaid, That each respective Town shall pay unto their Deputies, Three Shillings per Diem each, during their Attendance on the Court of Assembly.

AND

And be it Enacted by the Authority aforesaid, That whosoever shall be Chosen a Deputy for any Town, to serve in the General Assembly, and being Legally warn'd to attend the same; shall neglect or refuse to give his Attendance during the Session thereof, shall pay as a Fine, Six Shillings *per Diem* for each and every Days neglect, into the Town Treasury of such Town, to and for the Use of said Town. And if the Person so Offending, shall neglect or refuse to pay the same as aforesaid: Then any one of the Assistants, Justices of the Peace, or Wardens of such Town shall Grant forth a Warrant to a Constable of said Town, to distrain so much of the Personal Estate of such Offender, as will pay the aforesaid Fine, and all reasonable Charges accruing thereon; and the Fine so taken, to be disposed of as aforesaid, and the Clerk of the Assembly shall return to each respective Town a List of all such as shall be Delinquent as aforesaid.

Deputies fined for neglect of Attending the Assembly, Six Shillings per Diem.

How recovered and disposed of.

And be it further Enacted by the Authority aforesaid, That every Person, that shall be Elected to the place of a Deputy shall take the following Engagement before he shall act therein,

YOU A. B. Being Chosen to the place of Deputy, to sit in the General Assembly, Do solemnly Engage true Allegiance to His Majesty, His Heirs and Successors to bear, as also Fidelity to this His Majesties Colony of Rhode-Island, and Providence-Plantations, and the Authority therein Established according to our Charter; AND YOU do further Engage equal Right and Justice to do to all Persons as shall Appeal unto You for your Judgment in their respective Cases. And this Engagement You make and give upon the Peril of the Penalty of Perjury.

Form of Deputies Engagement.

An Act for Declaring the Rights and Priviledges of His Majesties Subjects within this Colony.

BE IT ENACTED By the General Assembly of this Colony, and by the Authority of the same it is hereby Enacted, That no Free-man shall be Taken or Imprisoned, or be deprived of his Free-hold, or Liberty, or Free Customs, or Out-Lawed, or Exiled, or otherways Destroyed, nor shall be passed upon, Judged or Condemned, but by the Lawful Judgment of his Peers, or by the Law of this Colony; And that no Aid, Tax, Tailage, or Custom, Loan, Benevolence, Gift, Excise, Duty or Imposition whatsoever, shall be Laid, Assessed, Imposed, Levied or Required of or on any of His Majesty's Subjects within this Colony, or upon their Estates, upon any manner of Pretence or Colour whatsoever, but by the Act and Assent of the General Assembly of this Colony.

No Free-man to be Imprisoned, or deprived of his Liberty, &c. But by his Peers, &c. No Tax or Duty to be raised, but by the General Assembly.

AND

No Person to be Deceased of his Lands, or otherwise molested, but by due Course of Law.
All Persons of Estates, and Obedient to the Magistrate, to have liberty to Elect, and be Elected to Offices.

AND that no Man, of what Estate and Condition soever, shall be put out of his Lands and Tenaments, nor Taken, nor Imprisoned, nor Disinherited, nor Banished, nor any ways Destroyed, nor Molested, without being for it brought to Answer by due course of Law; And that all Rights and Priviledges granted to this Colony by His Majesties Charter, be entirely kept and preserved to all His Majesties Subjects residing in, or belonging to the same; And that all Men professing Christianity, and of competent Estates, and of civil Conversation, who acknowledge, and are Obedient to the Civil Magistrate, though of different Judgments in Religious Affairs (Roman Catholicks only excepted) shall be admitted Free-men, and shall have Liberty to Chuse and be chosen Officers in the Colony both Military and Civil.

An Act for the preventing of Illegal and Clandestine Purchases of the Native Indians in this Colony.

All Purchases of the Natives without the consent of the Assembly, to be void.

FORASMUCH as divers Persons have made Purchases of Lands in this Colony of the Indians, without the consent or approbation of the General Assembly, which manifestly tends to the Defrauding, and Manifest Injury of such Native Indians, as well as defeating the just Rights of this Colony.

And the Person purchasing to be fined.

BE it therefore Enacted by the General Assembly, and the Authority of the same, That no Person or Persons for the future, shall purchase any Lands or Islands within this Colony, of or from the Native Indians within the same, but such only as are so allowed to do by the General Assembly, upon Penalty of forfeiting all such Lands or Islands so purchased, to this Colony; And to pay for every such Purchase by them so made, the Sum of Twenty Pounds as a Fine, to and for the Use of the Colony; And all such Purchases shall be Esteemed and Adjudged Null, Void, and of none Effect.

An Act appointing a publick Seal for this Colony.

Colony Seal.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That there be one Seal made for the publick Use of the Colony; and that the Form of an Anchor be Engraven thereon: And the Motto thereof shall be the Word HOPE.

An

An Act for the Probate of Wills, and Granting of Administrations.

BE IT ENACTED By the General Assembly, and by the Authority of the same, That the Power of proving of Wills, and granting of Administrations of the Personal Estate of Persons deceased, shall be in the respective Town Councils of this Colony, where such Person deceased last Dwelt or Inhabited; which said Town Council, or the major part of them, shall have the Power, as Judge of Probates, to take the Probate of Wills and Testaments, and grant Administrations, and all other matters relating thereto, to Act and Do, as by the Laws of England, and of His Majesty's Colony doth belong to the said Office.

Town Councils
to prove Wills
and grant
Administration.

And be it further Enacted by the Authority aforesaid, That all Devises and Bequests of Land or Tenements, or of any Right or Interest in the same, shall be in Writing, and Sign'd by the Party so devising the same, And shall be Attested and Subscribed in the Presence of the said Devisor, by three or four credible Witnesses, or else shall be Void and of none Effect.

All Wills de-
vising Land
shall be in
Writing, and
shall have 3
Witnesses.

And be it further Enacted by the Authority aforesaid, That the Town Council of each Town, may Summons and Convent before them, all and every Person named Executor or Executors, of any Testament, to the intent to prove or refuse the Testament of his or their Testator; And to bring in Inventories of such Testators Estate; And in case such Person or Persons take upon him or them, the Executorship, by proving the Will, that then at the same time, such Executor or Executors, shall give Bond to the said Town Council, that within one Month after such Probate, he or they will Exhibit a true and perfect Inventory upon Oath, of the whole Personal Estate of the Deceased, as far as shall come to his or their knowledge; And that he or they will add thereunto, what and so much as may afterwards appear.

Executors to
give Bond,

And make
Inventories,

And be it further Enacted, That such Executor or Executors, upon his or their making an Inventory of said Estate, shall call two of the next of Kin, or two other honest Men, and of good Credit of the Neighbourhood, and in their Presence, and by their Direction cause to be made a True and Perfect Inventory of all the Goods and Chattels, Wares, Merchandizes, Rights and Credit of the Testator to be Exhibited to the Town Council, and there Recorded.

Inventory how
made.
And to be Ex-
hibited to the
Town-Council
to be Recorded.

And be it further Enacted, That upon Probate of such Will or Testament, the Witnesses to the same, shall upon their Oaths declare, that they saw the Testator Sign, Seal, and Declare the same to be his last Will and Testament; And that in his Presence,

Wills how
proved.
When proved,
to be Recorded.

Administrati-
on granted
forth.

they set their Hands as Witneſſes thereunto. And the ſaid Teſta-
tor was in his perfect Mind and Memory, at the ſame time, which
ſaid Teſtament being ſo proved, and the Clerk of the ſaid Coun-
cil, ſhall tranſcribe a Copy thereof, into the Book of Record, and
deliver the Original to ſuch Executor or Executors, with an At-
teſt of its being Recorded. And the ſaid Town Council, ſhall
without delay give to ſuch Executor or Executors, under the Seal
of the ſaid Office, a Power to Adminiſter the ſaid Eſtate.

If the Execu-
tors reſuſe to
accept, to
grant Admini-
ſtration to the
next of Kin, or
to the greateſt
Creditor.

AND be it further Enacted by the Authority aforeſaid, That in
caſe the Perſon or Perſons named Executor or Executors in a
Will (being duly Summoned) before ſuch Town Council, to
prove the Will, ſhall reſuſe ſo to do, and take upon him the
charge of Executorſhip, ſuch his Reſuſal ſhall be entered in
the Regiſter's Book of ſaid Town Council, and thereupon ſuch
Town Council ſhall grant Letters of Adminiſtration, with the
Will annexed thereto, to the Widow or next of Kin to the de-
ceaſed Perſon, that ſhall deſire the ſame; And upon their reſuſal,
to one or more of the Principal Creditors, as the ſaid Council
ſhall think fit.

Adminiſtrati-
on of Inteſtate
Eſtates, to be
granted to the
Widow, or
next of Kin.

AND be it further Enacted, That when and ſo often as any
Perſon ſhall Dye Inteſtate, Adminiſtration of ſuch Inteſtates per-
ſonal Eſtate ſhall be granted to the Widow, or next of Kin to
the Inteſtate, that ſhall deſire the ſame. And in caſe of their
reſuſal thereof, ſuch principal Creditor or Creditors, as the ſaid
Town Council ſhall think fit.

Adminiſtra-
tors to give
Bond, and
render an Ac-
count of their
Adminiſtrati-
on to the
Town Council,
when required.

PROVIDED always, and be it Enacted, That ſuch Widow or next
of Kin, or principal Creditor or Creditors of ſuch Inteſtate, deſir-
ing the Adminiſtration of ſuch Inteſtate Eſtate, ſhall at the grant-
ing of the ſame, give Bond to the ſaid Town Council, with two
ſufficient Sureties, in double the Sum of what the ſaid Inteſtates
Perſonal Eſtate ſhall be by the ſaid Town Council Valued to be
worth, for his & their true & rightful Adminiſtration of the ſaid Eſtate
according to Law; And duly Exhibiting a true and perfect In-
ventory of ſuch Eſtate unto the Town Council, and to them at
all times when Required, to render a true and faithful Account
of ſuch his, her, or their Adminiſtration.

Appeal to the
Governour and
Council, as
Supream Judge
of Probates.

AND be it further Enacted, That if any Party ſhall be Agrieved
at the Judgment or Sentence of ſuch Town Council, for any
matters contained in this Act, that in ſuch Caſe, it ſhall be Law-
ful for ſuch Perſon to Appeal from the ſaid Judgment or Sen-
tence, unto the Governour and Council of this Colony; who as
the Supream Ordinary, or Judge of Probates, are hereby Impow-
ered, to hear and determine ſuch Appeals, and to give ſuch Judg-
ment thereupon, as to them ſhall appear right and agreeable
with Law.

PROVIDED

PROVIDED *always*, That such Person or Persons desiring an Appeal as aforesaid, give security by Bond, to said Town Council, to prosecute such Appeal with Effect, and to pay such Costs, as may be taxed against him or them.

Appellant to give Bond.

AND be it further Enacted by the Authority aforesaid, That if any Person shall Marry with an Executrix, or Administratrix, such Person upon Information given thereof by any Creditor, Legatee, or other Person Interested in such Estate, to the Town Council, before whom the Will was proved, or by whom Administration was granted, shall be Obligated by such Town Council, to give Bond with sufficient Sureties, in Double the Value of such Estate, to such Town Council, and their Successors, for the Right, Full and Due Administration of the Estate of the Testator or Intestate, by such Executrix or Administratrix; And in case of Refusal, any one or more of the Justices of the Peace or Wardens, belonging to such Town Council, shall Commit such Person to his Majesty's Goal in *Newport*, there to remain until he shall have performed the same.

He that Marries with an Executrix, or Administratrix to give Bond.

Upon refusal to be committed to Goal.

AND be it further Enacted, That upon such Persons giving Bond, with Sureties as aforesaid, all former Bonds given by such Executrix or Administratrix, shall be delivered up to be Cancelled.

L A W S,

Made and past by the General Assembly of His Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, Begun and Held at *Newport*, the first Day of May, in the Eighteenth Year of His Majesty's Reign Annoque Domini, 1666.

An Act, Establishing, Settling and Regulating, the General Courts of Trials within this Colony, in both civil and criminal Causes.

WHEREAS by His Majesty's most Gracious Charter, granted to this His Majesty's Colony, full Power and Authority is given to the General Assembly thereof, to Appoint, Order and Direct, Erect and Settle, such Courts of Judicature, as shall be necessary for the

the Trial and Determination of all Actions, Causes, Matters, and Things happening within the same; And to Regulate the Proceedings thereon.

The Time of
the Courts
Sitting.

And the Power
thereof.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That there shall be two General Courts of Tryals, and General Goal Delivery, Annually held at Newport, for the Tryal of all Causes, Matters and Things both Civil and Criminal; The one General Court of Tryals and Goal Delivery, to be Held the last Tuesday of March Annually, and the other on the first Tuesday of September; which said Courts, shall be composed, and consist of the Governour, and Deputy Governour, and Assistants of this Colony, of which the Governour, or in his absence, the Deputy Governour and three Assistants, to be a *Quorum*; And in case of the absence of both the Governour, and Deputy Governour, then any five of the Assistants, to be a *Quorum*, who shall have Cognizance of all Pleas, Real, and Personal and Mixt, as also Pleas of the Crown, and Causes Criminal, and Matters relating to the Conservation of the Peace, and Punishment of Offenders, and generally of all other Matters, as fully and amply, to all Intents and Purposes whatsoever; As the Courts of Common Pleas, Kings Bench, or Exchequer, in his Majesty's Kingdom of England, Have or ought to Have; And are hereby Impowered to give Judgment therein, and Award Execution thereupon, and make such necessary Rules of Practice, as the Judges of the said Court, shall from time to time see needful.

PROVIDED the said Rules be not Contrary and Repugnant to the known Laws of this Colony.

The Recorder
to be Clerk of
the said Court.

AND be it further Enacted by the Authority aforesaid, That the Recorder of this Colony for the time being, shall be Clerk of the said General Courts of Tryals, and General Goal Delivery. And that all Writs, Process and Executions for Matters Cognizable by, or issuing out of the said Courts, shall be Sign'd or Sealed by him, (as need shall require,) who during the Sitting of the said Courts, is to make due Entries of the Proceedings thereof, and shall be Paid Two Shillings per Diem, out of the General Treasury, for his attendance therein.

All Jury-men
to be Engaged.

AND be it further Enacted by the Authority aforesaid, That every Grand Jury-man, and Petit, chosen as aforesaid, before his Acting as such, shall take each his respective Engagement following.

Grand Jury-
man's Engage-
ment.

WHEREAS You A. B. are Chosen on the Grand Inquest, on the behalf of Our Sovereign Lord the King, You do here Promise and Engage, to make a true Return to this Court, of all such Bills, as shall be Presented to You, or such Breakers of Law, as shall come to your Knowledge. And this Engagement You make and give upon the Peril of the Penalty of Perjury.

YOU

YOU A. B. being of this Jury of Tryals, You shall well and truly truly try the Issue of this Case, and all Cases that shall be committed unto You from this Court, between the Parties, Plaintiff and Defendants, according to Law and Evidence; And to keep together, until You agree of a Verdict in the Case or Cases committed to You, and make true Return of the Verdict or Verdicts, unto this Court, and to keep your Own and Fellows Secrets; And this Engagement You Make and Give, upon the Peril of the Penalty of Perjury.

Engagement
of Petit Jury
in Civil
Actions.

YOU A. B. being of this Jury of Tryals, You shall well and truly Try, and true Deliverance make, between Our Sovereign Lord the King, and the Prisoner at the Bar, according to Law and Evidence, (and the Light of your Conscience upon the Evidence;) And to keep together, until you are agreed of a Verdict or Verdicts, in the Case or Cases that shall be committed to you from this Court; And to keep your Own and Fellows Secrets. And this Engagement you Make and Give, upon the Peril of the Penalty of Perjury.

Engagement
of Petit Jury
in Criminal
Cases.

AND be it further Enacted by the Authority aforesaid, That no General Officer of this Government, during his continuance as such, shall be Arrested or Attached, either in Body or Goods, in any civil Case upon mean Process; And that in all civil Cases, that any Person may have against a General Officer upon mean Process, it shall be by Summons and no otherwise; And that all Writs of Arrest or Attachment, that shall be Granted forth contrary hereunto, shall be Null and Void in Law. And the Defendant shall have his Costs and Damages accruing thereon.

No General
Officer to be
Arrested or
Attached in
Civil Cases,
but Summon'd.

AND be it further Enacted by the Authority aforesaid, That all Writs of Arrest and Summons, that are taken out of the Recorders Office, and duly served Forty Days before the Court, to the which they are Directed by the Sheriff or his Deputy. And a Declaration be Entred in the Recorder's Office, Twenty Days before the Court by the Plaintiff, then the Defendant shall put in his Answer thereto in the Recorder's Office, Eight Days before the Court; otherways the Plaintiff may enter a *Nihil Dicit*, and Judgment shall pass against the Defendant, for want of an Answer, &c. And all Writs and Summons, that shall be taken out of the Recorder's Office, within Forty Days before any General Court of Tryals, shall be Directed to the next General Court of Tryals, succeeding such Court as aforesaid.

Writs to be
taken out, and
Served Forty
Days before
the Court.
Declaration to
be filled Twenty
Days before
the Court, and
answer Eight.

AND be it further Enacted by the Authority aforesaid, That if the Recorder for the time being, shall be absent at any time from any Court or Courts of Judicature, (either by Sicknes or other Occasions) where he is Ordered and Appointed to attend; That then and in such Cases it shall and may be Lawful, for the Judges of such Court to Appoint another Person, to Officiate in the Room and Stead of the Recorder, during his absence.

In the absence
of the Recorder,
the Court
to Appoint a
Person to Offi-
ciate in his
room.

The Plaintiff
to pay the
Jury.

AND be it further Enacted by the Authority aforesaid, That in all civil Actions, the Plaintiff or his Attorney shall Pay the Jury.

Sheriff to at-
tend the Ge-
neral Courts.

AND be it further Enacted by the Authority aforesaid, That the Sheriff and his Deputy, in the Town where such Courts shall be held, shall attend all General Courts of Assembly, and General Courts of Tryals, and General Goal Delivery, during the fitting of such Courts.

An Act for the Protection of the Members of the General Assembly, and of Persons chosen on Juries from being Arrested or Sued, during Service.

FORASMUCH as the Publick Service of His Majesty, and this Government, ought to be preferred before Private Interests, and that no Person be discouraged from serving the Publick, as Members of the General Assembly of this Colony, or Jurors upon Tryals and Inquest.

Deputies Ex-
empted from
Arrests, &c.

Unless by spe-
cial leave of
the Assembly.

BE it therefore Enacted by the General Assembly, and by the Authority of the same, That all and every Person and Persons, and the Estates of such Persons, as shall be chosen to serve as Members of the General Assembly of this Colony, for any Town in the said Colony, shall be Free and Exempt from all Summons, Arrests, Attachments and Executions whatsoever, at the Suit of any private Person, to answer any Debt or Damages, Due or pretended to be Due to such private Person, from the time he is so chosen, until he be Dismissed from such his Station and Employ, without the special Leave and Permission of the said Assembly first had and Obtained.

Jurors Exemp-
ted from Ar-
rests, &c.

AND be it further Enacted, That all Persons whosoever, that shall hereafter be Lawfully chosen, to serve on any Grand Jury, Petit Jury, or Jury of Inquest in this Colony, they and their Estates shall likewise be Free, and Exempt from all Summons, Arrests, Attachments and Executions, in the same manner as the Members of the General Assembly are, from the time of their being chosen to serve in such Place or Station, until they be Legally Discharged or Dismissed from the same, and a reasonable Time for their return to their Habitations again.

AND be it further Enacted by the Authority aforesaid, That all and every Summons, Writ, Execution, or other Process, which shall or may be served upon any of the Persons aforesaid contrary to this Act, shall be Null, and Void, and of none Effect in the Law whatsoever; and that any Officer that shall knowingly

ingly Grant, Execute or Serve, any such Writ, Summons, Execution or other Process, whereby the Person, or Estate of any Person, shall be contrary to this Act Arrested, Imprisoned, Attached or Seized; such Officer upon Complaint of Persons damaged or molested thereby, to the General Assembly or General Court of Trials of this Colony, shall be liable to be Fined according to the Discretion of either of the said Courts, not exceeding the Sum of *Five Pounds*, to be Levied on such Offenders Goods and Chattels, by a Warrant or Order from said Court to whom such Complaint shall be made.

All Writs, Summons, &c. granted contrary hereunto to be void, and the Officer be fined, not exceeding Five Pounds.

An Act for the Establishing, and Regulating of Fees.

BE it Enacted by the General Assembly of this Colony, and by the Authority of the same, That the Establishment of the Fees of the several Offices, in the Colony hereafter mentioned, shall be as followeth.

Fees for Probate of Wills, &c.

F OR the Probate of Wills where the Inventory exceeds not One Hundred Pounds, <i>Six Shillings</i> .	l.	s.	d.
For every Hundred Pounds above one Hundred Pounds, <i>Two Shillings</i> to the Town Council.	00	06	00
For Probate of Inventory, where no Will appears, and where the Inventory exceeds not one Hundred Pounds, <i>Six Shillings</i> .	00	06	00
If above, for every Hundred Pounds more, <i>Two Shillings</i> to the Town Council.			

Clerk's Fees.

F OR entering a Caveat against the Probate of a Will, or granting of Administration.	00	01	00
For taking Bond and granting Administration, under the Seal of the Town Council.	00	04	00
For Registering a Will or Inventory, not exceeding one Page.	00	01	06
If above one Page, for every Page Twenty five lines in a Page.	00	01	00
For a Copy of Ditto from the Record, if not above one Page.	00	01	06
If above one Page, for every Page, Twenty five lines in a Page.	00	01	00

For

For every Citation and Summons.	00 00 06
For Bond and Granting Licence under the Town Council Seal.	00 05 00
For Bond of every Person that comes to dwell in the Town.	00 01 00
To the Town Serjeant or Constable, for Serving every Summons or Citation, if not above a Mile from home.	00 01 00
If above one Mile from home, for every Mile <i>Three pence.</i>	

And the Town Clerk shall have and take the same Fees, as the Clerk of the Council for Recording of Instruments, and Granting Copies of the same.

Recorder's Fees.

F OR Attending the General Assembly, the General Courts of Tryals, General Goal Delivery, and special Courts, <i>Two Shillings per Diem</i> , out of the General Treasury.	<i>l. s. d.</i>
For fixing the Common Seal.	00 02 06
For every Commission.	00 03 00
For a Writ or Summons.	00 01 04
For filling a Declaration.	00 01 00
For a Copy of Ditto, not exceeding one Page.	00 01 06
If above one Page, for every Page Twenty five lines in a Page.	00 01 00
For filling of an Answer.	00 01 00
For Copy of Ditto, not exceeding one Page.	00 01 06
If above one Page, for every Page Twenty five lines in a Page.	00 01 00
For every Action called in Court.	00 01 00
For Copy of Record not exceeding one Page.	00 01 06
If above one Page, for every Page Twenty five lines in a Page.	00 01 00
For a Copy of every Deposition.	00 01 00
For entering a <i>Nihil Dicit.</i>	00 01 00
For a <i>Scire Facias.</i>	00 01 04
For entering a Verdict.	00 01 00
For Recording Judgment and Issue.	00 01 08
For a Writ of Execution.	00 02 06
For a Distringus.	00 01 00
For Acquittal of Felony or Suspicion thereof.	00 01 08
For Entering a Rule of Court.	00 01 08
For Bond in the Recorder's Office.	00 02 00
For Entering Traverse upon Indictment.	00 01 00
For filling an Inventory of Goods taken by Execution.	00 01 00
	For

For a Writ of Accompt.	00 01 08
For entering an order of Court for Reference to Auditors.	00 01 08
For every Person Summoned.	00 00 04
For a Writ of Error.	00 03 00
For a Writ of Attaint.	00 03 00
For filing every Return in Court.	00 00 08
For entering a Protest in Court.	00 01 00
For every Evidence Read in Court.	00 00 04
For withdrawing an Action.	00 01 00
For the Discharge of any Person upon Bail to the Peace, &c.	00 01 00

Sheriff's Fees.

	l. s. d.
F OR Serving a Writ, if not above a Mile from home.	00 01 08
If above one Mile, <i>Two pence</i> per Mile, forward } and backward. }	
For Attending a Prisoner before Imprison'd, <i>per Diem</i> .	00 02 06
For Copy of Writ.	00 01 00
For attending of the Court <i>per Diem</i> , out of the } General Treasury. }	00 02 00
For Attendance on every Action.	00 01 00
For discharge of every Person upon Bail to the Peace, &c.	00 01 00
For every Evidence Read in Court.	00 00 04
For Bail Bond in Actional Cases.	00 02 00
For Bond to the Peace or Good Behaviour.	00 04 00
For Serving Execution, if not exceeding <i>Ten Pounds</i> , <i>one Shilling and Six pence</i> per Pound. }	
If above <i>Ten Pounds</i> and not exceeding <i>Fifty Pounds</i> , <i>Twelve pence</i> per Pound. }	
If above <i>Fifty Pounds</i> , and not exceeding <i>one Hundred</i> <i>Pounds</i> , <i>Nine pence</i> per Pound. }	
If above <i>one Hundred Pounds</i> , and not exceeding <i>two</i> <i>Hundred Pounds</i> , <i>Six pence</i> per Pound. }	
If above <i>two Hundred Pounds</i> , and not exceeding <i>three</i> <i>Hundred Pounds</i> , <i>Four pence</i> per Pound. }	
For all Executions above <i>three Hundred Pounds</i> , <i>Two pence</i> per Pound. }	
For all Executions Served out of the Town where the Sheriff Lives, <i>Two pence</i> per Mile, forward } and backward. }	
For turning the Key on every Prisoner committed.	00 03 04
For Discharge of every Person upon Bail to the King.	00 01 00

H

Attorney

Attorney General's Fees.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
F OR every Bill of Indictment Drawn, and Plea } upon Traverse.	00	13	04
For every Ditto Drawn, and Pass'd the Court, if not } found by the Grand Jury.	00	03	00
For every Criminal Executed to Death.	01	00	00
For Discharge of every Person upon Bond to the Peace.	00	02	00
For every Days Attendance on the Court.	00	03	00

Other Fees allowed in Court.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
F OR Entering every Action, to the Judges;	00	05	00
For Attorney's and Council's Fees.	00	12	00
For drawing Bill of Costs.	00	01	00
For Taxing Ditto.	00	01	00
For every Case Tryed; to the Jury;	00	12	00
For every Person Discharged upon Bail to the King, } to the Sergeant.	00	01	00
For every Evidence attending the Court, <i>per Diem</i> .	00	01	06
For every Action called, to the Sergeant.	00	01	00
For every Days Attendance by the Sergeant.	00	03	00

An Act for Regulating the Proceedings on Executions,
and Distraints on Goods and Chattels.

Goods taken
by Distress, to
be kept ten
days before
Exposed to
Sale.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That in all civil Cases, where Execution shall be Levied on any Persons Goods or Chattels, the Goods and Chattels so Executed upon, shall be kept in the Officers Hands Ten Days, before they shall be Offered or Exposed to Sale, so that the Person that Owned such Goods or Chattels, so taken by Execution, may within the said Time (if he think fit) Pay the Money due, together with the Charges accruing on such Execution, and thereupon shall have his said Goods delivered to him again.

And also all
Goods taken
by Distress.

AND be it further Enacted by the Authority aforesaid, That in Case any Officer for Rates, or other justifiable Cause, shall Distrain the Goods or Chattels of any Person; that then and in such Case, the said Officer shall keep the said Goods and Chattels, for

for the space of Ten Days, at the Charge of the Owner of said Goods and Chattels, who within the said Ten Days, Paying the Money due, and the Charges accruing thereon, shall have the same delivered him again. But in case the Owner shall not Redeem them as aforesaid, that then the Officer may Sell the same by publick Vendue or Outcry, and what Overplus shall remain, after the Debt and Charges are satisfied and paid, shall be returned to the Owner thereof.

And be it further Enacted by the Authority aforesaid, That all Fines and Forfeitures, that shall be Levied by the Sheriff or his Deputy, by Order of the General Assembly, General Court of Tryals, and General Goal Delivery, shall be by him (as by Law is required) paid into the General Treasury, to and for the Use of the Colony. And if the Sheriff shall refuse or neglect to pay the same as aforesaid, by the space of one Month, he shall Forfeit for such Offence, *Five Pounds*, to and for the Use of the Colony, to be recovered by the General Treasurer for the time being, in any Court of Record.

Fines to be paid into the General Treasury, by the Sheriff. *Five Pounds* for every Months neglect.

AND that all Constables, and other Officers of the Respective Towns within this Colony, who are legally Authorized and Appointed to collect and gather any Fines or Forfeitures, which of Right ought to be paid into the Town Treasury; and shall after the Levying and Collecting of the same, Neglect or Refuse so to do, by the space of one Month, he shall for every Month after the Expiration of the aforesaid time, forfeit *Five Shillings*, to and for the Use of such Town, to be recovered by Complaint or Information, before any one or more Assistants, Justices of the Peace, or Wardens of such Town.

Fines to be paid into the Town Treasury, by the Constable, &c. within one Month after Levied, on the Penalty of *Five Shillings* per Month.

An Act for the due Recording, Preserving and Keeping the Acts of the General Assembly of this Colony.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That the General Recorder of the Colony for the time being, shall Record all the Acts of the General Assembly of this Colony in a Book, and send forth true Copies of the same, to the several Towns in the Colony, with the Colony's Seal affixed thereunto, by the several times, as by the General Assembly shall from time to time be Ordered; on the Penalty of *Five Pounds*, for every such Offence that he shall be wilfully guilty of, to be paid into the General Treasury, to and for the Use of the Colony.

The Recorder to Register the Acts of Assembly, and send Copies to the Towns, on the penalty of *Five Pounds* for every Offence.

An

An Act Establishing the Election of Town Officers,
in each Respective Town in the Colony.

Each Town to
Elect Town
Council-men,
and other
Town Officers,
who shall make
a Town-Coun-
cil.

Their power.

What Officers
shall be Annu-
ally Elected.

Towns power
to make Free-
men.

BE IT ENACTED By the General Assembly, and by the Authority of the same, That every Town within this Colony, shall once in ever Year, (on a Day to be by the Free men of each Respective Town appointed,) chuse and elect such and so many Town Officers, as by the Laws of this Colony are or shall be required. And that on such a Day, by them appointed, they shall Annually chuse and elect, six good and sufficient Freeholders of each Town, for the constituting of a Town Council for each Town, who together with such Assistants, Justices of the Peace, and Wardens, as shall Dwell and Inhabit in said Town, with the Governour, and Deputy Governour, and each of them in such Town or Towns where they shall Inhabit or Reside, shall be and they hereby are constituted and appointed, a Town Council for such Town; And they or the major part of such Town Council, shall be a *Quorum*, and have full Power to manage the Affairs and Interest of said Town. And in all matters to Act, Do, Transact and Determine, all and every thing or things, which shall fall within the Jurisdiction of the same.

AND be it further Enacted by the Authority aforesaid, That the Free-men of each respective Town, shall Annually on the Day of Election of Town Officers, Elect a Town Clerk, (who shall be Clerk of the Town Council,) a Town Treasurer, a Town Sergeant, a Town Packer, a Town Sealer of Weights and Measures, and so many Constables, Rate-makers, Overseers of the Poor, Surveyors of Highways, Viewers of Fences, and all other Officers, as each or any Town in this Colony, shall have Occasion for.

AND be it further Enacted by the Authority aforesaid, That the Free-men of each Respective Town, on their Respective Town meeting Days, as shall be by them appointed, shall and they hereby have full Power granted them, to Admit so many Persons, Inhabitants of their Respective Towns, Free-men of their Towns, as shall be by them Adjudged deserving thereof; And that the Town Clerk of each Town, shall once every Year send a Roll or List of all Free-men so Admitted in their Respective Towns, to the General Assembly to be held for this Colony at *Newport*, the Day before the General Election, and also such Persons that shall be so return'd and Admitted Free-men of the Colony, shall be inrolled in the Colony's Book, by the General Recorder.

AND be it further Enacted by the Authority aforesaid, That whoever shall be Legally chosen and elected to the Office of a Constable, within any Town within this Colony, and shall refuse

to serve in said place, shall Pay as a Fine, the Sum of *Three Pounds, Six Shillings and eight pence*, to be paid into the Town Treasury, to and for the Use of such Town; And if the Person so chosen shall refuse to Pay the same, that then it shall and may be Lawful for any Assistant, Justice of the Peace, or Warden of such Town, to Grant forth a Warrant of Distress, to Distrain and Levy so much of said Persons Goods and Chattels, as shall pay the same, and the said Fine so Levied, to be paid into the Town Treasury as aforesaid.

Constables
Fine, if refuses to Serve,
Three Pounds,
Six Shillings
and Eight Pence.

AND be it further Enacted by the Authority aforesaid, That whoever, shall be duly Elected to the Office of Town Sergeant, or Rate-maker in any Town within this Colony, and shall refuse therein as by Law required, shall pay as a Fine *Forty Shillings*, into the Town Treasury, to and for the Use of such Town; and if such Persons shall refuse to pay the same, then it shall be taken by Distraint in manner as aforesaid.

And Town Sergeants and Rate-makers, Forty Shillings.

And be it further Enacted by the Authority aforesaid, That every Person that shall be chosen and elected to any Town Office, in any Town within this Colony, shall take the following Engagement, before he act in his said Office.

Town Officers to be Engaged.

YOU A. B. Do hereby solemnly Engage, true Allegiance unto His Majesty His Heirs and Successors to bear; And that You shall well and truly Execute the Office of for this ensuing Year, or until another be Engaged in your room, or You be Legally Discharged thereof, and this Engagement, You make and give upon the Peril of the Penalty of Perjury.

The Form of their Engagement.

An Act for the Regulating of Fences, throughout this Colony.

FORASMUCH as Disputes and Differences, have arisen, and daily doth arise between the Owners and Proprietors of Lands within this Colony, about the making their proportionable parts of Fence, where their Lands joyn and are under Improvement,

For the regulating whereof:

BE it therefore Enacted by the General Assembly, and by the Authority of the same, That all Partition Fences, between Lands under Improvement, shall be made and maintained from time to time in equal halves, by the Proprietors or Possessors of such Land

Partition Fences to be equally maintained,

Upon Neglect,
how to be pro-
secuted.

Land respectively, and in Case any Proprietor of any Land, shall Improve his Land, (the Land adjoining being unimproved,) and make the whole Partition Fence; in such Case, the Proprietor or Possessor of the Land adjoining and unimproved, shall upon his Improvement of the same, pay for the one half of such Partition Fence, according to the Value thereof at that time, and shall keep up and maintain his half part thereof for the future. And in case either of the Proprietors or Possessors of adjoining Lands, shall refuse so to do; That then upon Complaint of the Party agrieved thereby, to the Viewers of Fences in said Town, any two of the said Fence Viewers, are to take a View of such Fence so wanting, or not kept in Lawful repair, and upon their certifying the same under their Hands; The said Party agrieved may make or repair the Fence so certified to be wanting, and recover the charge and damage thereof, if not exceeding *Forty Shillings*, by Action to be brought before any two Assistants, Justices of the Peace, or Wardens in said Town, and if the charges or damages are above *Forty Shillings*, then at the General Court of Tryals.

Any one that
withdraws his
Fence, shall
yet maintain
one half of
his Line.

AND be it further Enacted by the Authority aforesaid, That if any Person shall withdraw his Fence from the Line, between himself and Neighbour, the Party so doing, shall make and maintain the one half of his said Neighbours Fence notwithstanding, saving to every Person such Agreement, for the maintainance of their divisional Fence, as shall be by them made.

What Fence
shall be deem-
ed lawful
Fence.

AND be it further Enacted by the Authority aforesaid, That all the several sorts of Fences hereafter mentioned and made, as is hereafter expressed, is and shall be deemed and adjudged Lawful and sufficient Fence, for the Fencing in of any Lands, and that all other sorts not here expressly mentioned, that shall upon the View of the Fence Viewers, be adjudged as good and sufficient as these that are hereafter mentioned, shall be deemed Lawful Fence, against Horses, Neat Cattle, Sheep, &c. A Hedge with Ditch, shall be three Foot high above the top of the Ditch, and well staked at the distance of every Foot and half, bound together at the top, and well fill'd. A Hedge without a Ditch shall be four Foot high, staked, bound, and filled as a Hedge with a Ditch; and Post and Rail Fence on a Ditch or Bank, shall be four Rails high, well set in Posts, and all Post and Rail Fence without a Ditch or Bank, shall be made five Rails high, and well set in Posts. And that if the above specified sorts of Fence, and other sorts not herein expressly mentioned, be not adjudged or deemed equivalent thereunto, by the Fence Viewers as aforesaid, shall be deemed unlawful Fence, and the Party that shall be agrieved thereby, shall have and recover his Damages accruing thereon, against the Possessor of such Land.

An Act for preventing any Inhabitants of this Colony, from subjecting their Lands under any other Government.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That if any Person or Persons, Inhabiting within, or having any right to any Lands lying within the Limits of this Colony, shall Subject, Put, or Endeavour by any ways or means to Put, or Subject such Lands, under the Jurisdiction or Authority of any other Government or Colony: That such Person or Persons, being duly convicted thereof, shall forfeit to and for the Use of this Colony, and towards the Support thereof, all such Lands by him or them so Subjected, or Put, or Endeavoured to be Subjected or Put under any other Government or Colony; and be further Fined, at the Discretion of the Judges of such Court, before whom convicted; and whoever shall be Procuring, Aiding, Abetting or Assisting, any other Person or Persons in any of the aforesaid Offences, and being thereof duly convicted, shall be Fined at the Discretion of the Judges of the Court before whom convicted.

No Person shall Subject any Land within this Colony under any other. On the Penalty of forfeiting all such Lands, and being fined at discretion.

An Act to prevent excessive Riding in any of the Streets or Highways of the Towns of Newport and Providence.

WHEREAS several Persons have had their Bones broke, and received other Damages, by excessive Riding in the Streets or Highways of the Towns of Newport and Providence.

For the preventing whereof for the future:

BE IT ENACTED by the General Assembly, and by the Authority of the same, That whosoever shall Ride faster than a common Travelling pace, in any of the Streets or Highways of the Town of Newport, or shall Ride a Gallop in the Streets or Highways of the Town of Providence, shall for every such Offence, Forfeit Five Shillings, the one half to the Informer, and the other half to and for the Use of the Poor of the Town, where such Offence shall be committed, to be Recovered upon Complaint thereof made before any one Assistant, or Justice of the Peace, of the Town where such Offence shall be committed,

Excessive Riding to be punished by fining, not exceeding Five Shillings.

ted, together with the reasonable Charge accruing thereon, unless Justifiable excuse shall be made to appear before the said Assistant, or Justice, that shall Try the same.

Repeal'd.

An Act directing what Bonds the Sheriff shall take of Persons Arrested in civil Actions.

An Act, Establishing Pounds and Stocks, &c.

Every Town to have a Pound, and a Cage or Stocks. On the penalty of Ten Pounds.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That each respective Town in the Colony, shall Erect, Build, Make and Maintain at their own charge, one publick Pound, for the impounding of Horses, Neat Cattle, Sheep, &c. and one good sufficient Pair of Stocks or Cage, for the Punishing and Securing of Offenders, in such place or places of each respective Town, as shall be to them most convenient, on the Penalty of Forfeiting Ten Pounds, to and for the Use of the Colony, by every Town as shall neglect the same.

L A W S,

Made and past by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the first Day of May, 1669.

An Act for Erecting a Township in the Narragansett Country, to be called Westerly.

WHEREAS the Inhabitants of a certain Tract of Land, in the Narragansett Country, called and known by the Name of Misquamacuk, alias Pawcatuck, Bounded Westerly on the Colony, and Southerly on the Sea, have Petition'd this Assembly to be Incorporated into a Township; and there being a sufficient number of Inhabitants already settled thereon, and Land convenient for the same,

BE

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same, That the aforesaid Tract of Land be, and it hereby is Incorporated a Township, and called by the Name of *Westerly*: And the Inhabitants thereof, shall have and enjoy all the Rights, Immunities, Priviledges and Powers, as other Towns in this Colony have or do Enjoy.

Westerly Erected a Township.

L A W S,

Made and past by the General Assembly of His Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, in *New-England*, Held at *Newport*, the Second Day of May, 1671.

An Act for Subsisting of poor Prisoners committed at the King's Suit.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That all Persons that shall be committed to Goal in this Colony, for criminal Offences, and are Poor, and have not wherewithal to subsist themselves, shall be allowed *Five pence per Diem*, out of the General Treasury of this Colony, for their Subsistence, during their Imprisonment. *Provided they demand the same.*

Poor Prisoners at the King's Suit allowed Five pence per Diem.

L A W S,

Made and past by the General Assembly of His Majesty's Colony of *Rhode-Island*, and *Providence-Plantations* in *New-England*, Held at *Newport*, the Second Day of May, 1672.

An Act for Incorporating the Lands on *Block-Island*, a Township to be called *New-Shoreham*.

WHEREAS the Inhabitants of *Block Island*, have Petitioned this Assembly to be Incorporated a Township; and there being

being a ſufficient Number of Inhabitants already Settled thereon, and Land convenient for the ſame,

*Block-Iſland
Erected a
Townſhip,
and called New-
Shoreham.*

BE IT THEREFORE Enacted by the General Aſſembly, and by the Authority of the ſame, That all the Lands of *Block-Iſland*, be and they hereby are Incorporated a Townſhip, and called *New-Shoreham*; and the Inhabitants thereof, ſhall have and enjoy all Franchiſes, Immunities, Priviledges and Powers, as in their Charter Granted them by this Aſſembly is more largely ſet forth.

L A W S.

Made and paſt by the General Aſſembly of His Ma-
jeſty's Colony of *Rhode-Iſland*, and *Providence-Plan-*
tations in *New-England*, held at *Newport*, the Twen-
ty Eighth Day of *October*, 1674.

An Act Incorporating a certain Tract of Land in
the *Narraganſett* Country into a Townſhip, to
be called *Kingſtown*.

WHEREAS the Inhabitants of a certain Tract of Land in the
Narraganſett Country, Bounded Eaſt by the *Narraganſett*.
Bay, Southerly by the Sea, or Ocean, and Weſt by the Townſhip of
Weſterly, have Petitioned this Aſſembly to be Incorporated a Town-
ſhip; and there being a ſufficient Number of Inhabitants already
ſettled thereon, and Land convenient for the ſame,

*Kingſtown
Erected.*

BE IT THEREFORE Enacted by the General Aſſembly, and by
the Authority of the ſame, That the aforeſaid Tract of
Land in the *Narraganſett* Country, be and hereby is Incorpo-
rated a Townſhip, and called *Kingſtown*, and the Inhabitants
thereof ſhall have and enjoy all ſuch Immunities, Priviledges
and Powers, as in their Charter Granted them by this Aſſem-
bly, is more largely and amply ſet forth.

L A W S.

L A W S,

Made and past by the General Assembly of His Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Newport*, the Thirty first Day of *October*, 1677.

WHEREAS *there is a certain Tract of Land in the Narragansett Country, Bounded Northerly upon the Town of Warwick, and Easterly upon the Narragansett Bay, Southerly and Westerly as by Plat, returned to this Assembly, by Messieurs Pelleg Sanford, and John Smith, Surveyors, especially Impowered thereto.*

BE it therefore Enacted by the General Assembly, and by the Authority of the same, That the aforesaid Tract of Land be, and it hereby is Incorporated a Township, and called *East Greenwich*; and the Inhabitants thereof, shall have all such Immunities, Priviledges and Powers as other Towns in this Colony, generally have or do enjoy.

East Greenwich Incorporated a Township.

An Act for Granting of Rehearings.

BE IT ENACTED By the General Assembly and by the Authority of the same, That either Plaintiff or Defendant, that shall be agrieved at the General Court of Tryals, by Judgment given against either of them, shall and may have Liberty of one Rehearing, to the next succeeding General Court of Tryals. *Provided*, he or they so Rehearing, shall Pay into the Recorder's Office, (within ten Days after such Judgment rendred) such Costs as shall be taxed against him or them at such Court, and give sufficient Bond to the Recorder, to prosecute such Rehearing with Effect, and Pay all such Costs as shall be Awarded against him or them, at such succeeding General Court of Tryals.

Plaintiff or Defendant may have a Rehearing, they giving Bond in the Recorder's Office, to prosecute the same, &c.

An

An Act to Enable private Persons to Recover their Debts due from any Town, by Action against the Town Treasurer.

How Debts due from a Town may be recover'd. Account to be exhibited to the Town-meeting, and then the Town Treasurer to be Sued for the same. If the Town Treasurer have not sufficient to pay the same, to give Information thereof to an Assistant, &c. who is to call a Town-meeting, to make a Rate for the same. And if any Town shall neglect so to do, such Town shall be Fined by the General Assembly.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That all Persons whatsoever, that shall have any Money due to him or them, from any Town in this Colony, for any matter, cause or thing whatsoever, shall take the following Method for the obtaining of the same: *To wit*, Such person or persons shall Present to the Town Meeting, a particular Account of such Debt or Money due, and how contracted; which being done, in Case Just and due Satisfaction is not made him or them by the Town Treasurer of such Town, within one Months time after such account be given in as aforesaid, that then it shall be Lawful for such Person or Persons, to Commence his or their Action against such Town Treasurer, for the Recovery of the same, and upon Judgment obtained for such Debt, or Money due, in Case the Town Treasurer shall not have sufficient of the Town's Money in his Hands, to satisfy and pay the Judgment obtained against him, and the Charges expended in defending such Suit; That then upon Application made by such Town Treasurer, to any one Assistant, Justice of the Peace, or Warden of such Town, such Assistant, Justice or Warden, shall grant forth a Warrant, to the Town Serjeant of such Town, Requiring him to warn the Inhabitants of such Town, to hold a Town Meeting, at such time and place as shall be Appointed, for the speedy ordering and making a Rate, to be collected for the Reimbursement of such Town Treasurer; And in Case such Town upon due warning given them, shall not take due, speedy, and effectual care to Reimburse, Pay, or Satisfy such Town Treasurer such Moneys, Costs and Charges by him Expended or Recovered against him; That then upon Information or Complaint thereof by him made, to the next General Assembly of this Colony, such Order shall be given therein, for the said Treasurer's Reimbursement, with Allowance for all incident Costs, Charges and trouble occasioned thereby; and such Town shall be Fined, at the Discretion of the said General Assembly.

An

An Act enabling the Sheriff to appoint a Deputy or Deputies.

BE IT ENACTED by the General Assembly and by the Authority of the same, That the Sheriff of this Colony for the time being, shall at all times hereafter, have Power and Authority to Constitute and Appoint one or more Deputies under him, for the due Serving or Executing any Writ, Warrant, or Execution, belonging to his Office, as also to collect Fines and Amercements.

The Sheriff to appoint a Deputy.

PROVIDED always, and it is Enacted, That such Sheriff shall be Responsible for any neglect or misdoing, of such his Deputy or Deputies, in the Matters and Trusts committed to him or them.

And to be responsible for him.

An Act for amercing Persons chosen to serve as Jurors at any Court in this Colony, for Non-Appearance.

Repeal'd,

An Act Directing the Duty of His Majesty's Attorney General in this Colony.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That His Majesty's Attorney General for this Colony, shall constantly give his Attendance at all General Courts of Tryals, and Goal Delivery, where his Attendance is by Law Required, for the service of His Majesty: And is to give unto such Court or Courts, due Advice and Information, concerning any Crimes, Breaches of the Peace, or wrongs done to His Majesty, or any of His Subjects, that shall come to his Knowledge; and to draw up and present to such Courts, all Informations and Indictments, or other Legal Process, against any such Offenders, as by Law is Required, and diligently by a due course of Law, to Prosecute the same, to final Judgment and Execution.

Attorney General to attend the Courts de Die in Diem, and to draw all Indictments, and prosecute the same.

L

An

An Act for the Protection of Witnesses from Arrest, that shall come from another Government to give Evidence.

WHEREAS many times it falls out, that Persons living in other Governments, can give Evidence against Criminals, but for fear of being Arrested, are discouraged from giving their Personal Attendance in the Courts of this Colony, as is needful and requisite in such Cases.

Persons coming from another Government to give Evidence, not to be Arrested.

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same, That where any Person shall by Notification in Writing from any Assistant, Justice of the Peace, Warden, or from the General Recorder of this Colony, be desired to Appear before such Assistant, Justice of the Peace or Warden, or before any Court in this Colony, to give in Evidence in any Matter relating to any Criminal Offence; That such Person shall be Protected, and free from all Arrest in civil Actions, during the necessary time of his coming and giving Evidence, and returning out of this Government again.

L A W S.

Made and passd by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, held at Newport, the Thirtieth Day of May, 1678.

An Act for Incorporating the Island of Conanicut a Township, to be called James-Town.

WHEREAS Mr. Caleb Carr, Mr. Francis Brinly, and other Inhabitants of the Island of Conanicut, Have Petition'd this Assembly, to be Incorporated a Township; and there being a sufficient number of Inhabitants thereon, and Land convenient for the same,

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same, That the abovesaid Island of *Conanicut*, be, and it hereby is incorporated a Township, and called *James Town*, and the Inhabitants thereof shall have and enjoy all such Franchises, Liberties, Priviledges and Powers, as the Town of *New Shoreham*, in this Colony Have, Do, or ought to Enjoy.

*Conanicut
Island Incorporated a
Township,
and call'd
James Town.*

L A W S,

Made and pass'd by the General Assembly of His Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Newport*, the Sixth Day of *May*, 1679.

An Act Prohibiting Sports and Labours on the First Day of the Week.

BE IT ENACTED By the General Assembly, and by the Authority of the same, That no Person or Persons within this Colony, shall do or exercise any Labour or Business, or Work of their ordinary Calling, nor use any Game, Sport, Play or Recreation, on the First Day of the Week, nor suffer the same to be done, by their Children, Servants or Apprentices, (works of Necessity and Charity only excepted) on the Penalty of *Five Shillings*, for every such Offence, to be Levied on due Conviction thereof, by Warrant of Distress, from any one Assistant, Justice of the Peace, or Warden, to the Constable of such Town, where such Offence shall be committed, to and for the Use of the Poor of such Town, together with the reasonable Charges accruing thereon. And in case such Offender shall not have sufficient to satisfy the same, then to be set in the Stocks, by the space of three Hours. And that whosoever shall improve, set to work, or encourage any other Person's Servant to Commit any of the aforesaid Offences, shall suffer the like Punishment as aforesaid.

*No Person to
Labour, nor
Play on the
First Day of
the Week.
On the Penal-
ty of Five Shil-
lings.*

An

An Act for preventing Sailors from being Trusted
or Credited for Strong Liquors.

WHEREAS it is the frequent Complaint of Masters and Commanders of Ships and other Vessels, of great Damage sustained by them, by reason of the Entertaining and Trusting of Sailors, (Ship'd in their Employ) by Tavern-keepers and others, whereby their Voyages are many ways hindred.

No Tavern-keeper, &c. to Trust a Sailor above Five Shillings.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That if any Person or Persons, keeping any Tavern, Ale-house, Victualling-house or Ordinary, shall Trust or give Credit to any Sailor, ship'd on Board any Ship, or other Vessel, without the Knowledge and Consent or Order of the Master or Commander of such Ship or Vessel, whereunto such Sailor shall then belong, for any more or greater Sum than Five Shillings, such person or persons giving Credit, or Trusting such Sailor for more, shall be wholly barr'd, during the time such Sailor shall remain in such Commander or Master's Service, from bringing any Action for the same: And in case such Person shall cause such Sailor to be Arrested, detained or hindred, from following his Commanders or Masters Employ on said Voyage, contrary to this Act; such Commander or Master shall have his Action against such Person thereupon, and recover his full Damages with Costs.

L A W S,

Made and pass by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Fifth Day of May, 1680.

An Act, Granting Appeals to the General
Assembly, from the General Court of Tryals.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That in all Personal Actions, where either Plaintiff or Defendant, shall obtain two Judgments for
him

him at the General Court of Tryals in one Action and Cause brought to the said Court; The other Party against whom said Judgments were given, shall have Liberty to Appeal to the next General Assembly, from the last Judgment for Relief, who may if they see Just and Reasonable Cause, Confirm, Alter, Amend, or Reverse such Judgments, and give a new Judgment thereupon, as to the said Assembly shall appear to be agreeable to Law and Equity: And that each or either Appellant or Appellee, shall and may have Liberty of giving in new Evidence upon such Appeal.

Plaintiff or Defendant may have an Appeal from the General Court of Tryals.

PROVIDED Always, The Party desiring an Appeal, shall within the space of Ten Days, after Judgment given in said General Court of Tryals, Enter his Appeal with the Recorder of this Colony, and Pay into the said Recorders Hands, *Three Pounds*, to and for the Use of the said Assembly, for the Entering thereof, and such Costs as was Awarded on said Judgment, and give Sufficient Bond to said Recorder, for the due Prosecution of such Appeal with Effect. And in mean time Execution shall be stayed, until the Determination and Decree of said Assembly be given thereon.

They giving Bond, &c. ten days after Judgment.

AND be it further Enacted by the Authority aforesaid, That the Party Appealing, shall take out a copy of the whole Record of said Judgment, from out of the Recorder's Office, Signed by said Recorder, to be Presented unto such General Assembly, and also shall Ten Days before meeting of such General Assembly, File his Reasons of Appeal with the Recorder, that the Appellee may have a copy thereof, and have due time to put in his Answer thereto, at the first Opening of said Assembly.

The Appellant to take out a Copy of the Case.

An Act, to Inforce the Election of Town Officers, at their Usual Days of Election.

BE it Enacted by the General Assembly, and by the Authority of the same, That if the Freemen of any Town in the Colony, shall Neglect on their Usual Days of Election, to Choose and elect, so many Town Officers, as by them have been Usually Elected, for the Management of their Prudential Affairs; That then and in such Cases, upon any such Town being Presented to the General Court of Tryals, by the Grand Jury, and duly Convicted thereof; such Town or Towns shall be Fin'd at the Discretion of the Judges of such Court, not Exceeding *Fifty Pounds*, and the Judges of the said General Court of Tryals, shall give forth an order, appointing and ordering them to chuse and elect their Town Officers as Usual, for the remaining parts of said Year, at such time as shall be by them Enjoyned.

If any Town neglect to chuse Town Officers The General Court of Tryals to order the chusing of the same.

L A W S,

Passed by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Third Day of May, 1682.

An Act for Establishing a Naval Office.

WHEREAS by Letters from His Most Gracious Majesty, to this Colony, Dated the Twelfth Day of November, in the Thirty First Year of His Reign, It is Ordered and Commanded, That a Naval Office be Erected in this Colony.

The Govern-
nor to Con-
stitute a Na-
val Office.
The Naval
Officer's Duty.

BE It therefore Enacted by the General Assembly, and by the Authority of the same, That the Governour of this Colony for the time being, shall and hereby is Impowered to appoint one or more Naval Offices, in such Place or Places in this Colony, as he shall think fit and needful, and shall Annually appoint a proper Person or Persons as Naval Officer or Officers therein, to take Entries of Vessels, and in all things belonging to said Office, to take care that the Laws Relating to Navigation or Customs and Duties on Goods and Merchandize, be duly observed.

An Act confirming the Grants heretofore made by the Inhabitants of the Towns of Newport, Providence, Portsmouth, Warwick, and Westerly, and to Enable said Towns to make Prudential Laws and Orders, for the better Regulating their Town Affairs.

WHEREAS in the Fifteenth Year of the Reign of our Royal Sovereign Lord Charles the Second, of Blessed Memory, there was a Charter Granted to this his Majesty's Colony of Rhode-Island, and Providence-Plantations in New-England, In which was contain'd many Gracious Priviledges, Granted to the Free Inhabitants thereof; and amongst others of the said Priviledges, there was Granted to the General Assembly of said Colony, full Power and Authority to Make and Ordain Laws, suiting the Nature and Constitution of the Place; and

2 W A I

and in Particular to Direct, Rule and Order all matters Relating to the Purchases of Lands of the Native Indians. And this Present Assembly, Taking into their serious Consideration, That the Lands of the several Towns of Newport, Providence, Portsmouth, Warwick and Westerly, were Purchased (by the several Inhabitants thereof,) of the Native Indians, Chief Sachems of the Country, before the Granting of the said Charter; so that an Order or Direction from the said Assembly could not be obtain'd therein, and is being thought Necessary and Convenient for the reasons aforesaid, That the Lands of the aforesaid Towns should be by an Act of the General Assembly of this His Majesty's Colony, Confirmed to the Inhabitants thereof according to their Several and Respective Rights and Interest therein.

The Purchases made by the Towns of Newport, &c. confirmed.

BE it therefore Enacted by this Present Assembly, and by the Authority thereof it is Enacted, That all the Lands Lying and being within the Limits of each and every of the aforesaid Towns of Newport, Providence, Portsmouth, Warwick, and Westerly, according to their Several Respective Purchases thereof made and obtain'd of the Indian Sachems; Be and hereby is Allowed of, Ratified and Confirmed, to the Proprietors of each of the aforesaid Towns, and to Each and Every of the said Proprietors, their several and Respective Rights and Interests therein, by Virtue of any such Purchase or Purchases as aforesaid, TO HAVE AND TO HOLD, all the aforesaid Lands, by Virtue of the several Purchases thereof, with all the Appurtenances, Priviledges, and Commodities thereunto belonging, or any wise Appertaining, to them the aforesaid Proprietors, their Heirs and Alliens for ever, in as Full, Lawful, Large and Ample manner to all Intents, Constructions and Purposes whatsoever, as if the said Lands, and every Part thereof, had been Purchased of the Indian Sachems, by Virtue of any Grants or Allowance obtained from the General Assembly of this Colony, after the Granting of the aforesaid Charter; and whereas there is within several of the Towns within this Colony, considerable of Lands, Lying yet Uncommon or Undivided; And for the more orderly way and manner of the several Proprietors, their managing the Prudential Affairs thereof: And for the more effectual making of Just and Equal Division or Divisions of the same, so that each and every of the Proprietors may have their True and Equal part or proportion of Land, according to his or their proportion of Right, and that the Exact Boundaries of each and every Mans Allotments, when Laid to him may be kept in Perpetuam.

It is further Ordered and Enacted by the Authority aforesaid, That it shall and may be Lawful for the Proprietors of each and every such Town within this Colony, being convened by a Warrant from under the Hand and Seal of an Assistant or Justice of the Peace, in such Town, the Occasion thereof being specified in the Warrant, for them or the Major part of them so met, to chuse and appoint a Clark, and a Surveyor or Surveyors, and such or so many other Officers, as they shall Judge needful and convenient, for the orderly carrying on and management of the whole

How they shall divide their Commons.

whole Affairs of such Community, and in like manner to proceed from time to time, as often as need shall require.

The aforesaid
Towns to
make Acts and
Orders for
their pruden-
tial Affairs.

And it is further Ordered, That each and every Town within this Colony, shall, and are hereby fully Impower'd to Make and Ordain, all such Acts and Orders, for the well Management, Rule and Ordering all Prudential Affairs, within their, and each of their Respective Bounds and Limits, as to them shall seem meet and convenient. Always Provided, and in such Cases, such Acts and Orders, are not Repugnant or Disagreeable, to the Laws of this Colony.

L A W S,

Made and Past by the General Assembly of Their Majesties Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Sixth Day of May, 1690.

An Act, for establishing Justices of the Peace, in the Respective Towns of this Colony.

Justices of the
Peace to be
Elected for the
several Towns.

BE it Enacted by the General Assembly, and by the Authority of the same, That the General Assembly that is Yearly Held at Newport, the First Wednesday of May, shall during their Session, Annually chuse and Ele&t so many Justices of the Peace, for each Respective Town in the Colony, as to them shall seem needful and requisite, for the better Administration of Justice, in each Respective Town.

Their Engage-
ment.

AND be it further Enacted by the Authority aforesaid, That who-soever shall be Ele&t to the Office of Justice of the Peace in this Colony, shall take the same Engagement as the General Officers take, before he shall Act or Officiate in said Office, and that every Justice of the Peace shall be Commissionated before his Acting in his Office, by the Governour of this Colony for the time being, under the Seal of the Colony, which Commission shall be in the following Form, (to Wit.)

Their Com-
mission.

YOU A. B. being Chosen by the General Assembly of this their Majesties Colony of Rhode-Island and Providence-Plantations, to the Place and Office of a Justice of the Peace, for the Town of _____ are hereby in their Majesties Name, by the Grace of God over England, Scotland, France, and Ireland, King and Queen, Defender of the Faith &c.
Com-

Commissionated to take care for Keeping and Preserving the Peace, and Administring the Laws throughout the Township, for the which You are Chosen, according to the Laws of the Colony, and Statutes in such Cases Provided and made, and to appear at all Courts of Tryals, or make Return thereunto, concerning all Delinquents, or such whom by Virtue of your Power, by the Laws you shall Bind over unto such Courts, and upon Especial Occasion to send forth Your Warrants, to make Hue and Cry, to Apprehend any Malefactor, upon Complaint unto You made, in behalf of their Majesties; which Warrants are strictly to be Observed and Pass throughout this Colony, for the Apprehending any Person, to Answer at the Kings Suit. And for your so doing, this Commission shall be your Sufficient Warrant and Discharge.

Given under my Hand, &c.

An Act, Establishing the Proceedings and Tryals of all Actions, not exceeding Forty Shillings.

BE It Enacted by the General Assembly, and by the Authority of the same, That all manner of Debts, Trespasses, and other Actions, not Exceeding *Forty Shillings*, (wherein Title of Lands is not concern'd) shall and may be Heard, Tryed, Adjudged and Determined, by and before the Assistants, Justices of the Peace, or Wardens of the Town, where the Defendant shall live or be Arrested, or by any two of them, who are hereby Impowered upon Complaint made of any such matter or cause as aforesaid, to Grant forth a Warrant or Summons, against the Party complained of, to be Directed to the Constable or Town Sergeant of such Town, where such Defendant shall be at the time of Granting forth such Warrant or Summons, and then to Adjudge of such Case in Dispute, between the Parties, Plaintiff and Defendant, Hearing, Examining and taking according to Law, all such Evidences as shall be by either Party produced; and after Judgment given, to Grant forth an Execution, to the Constable or Town Sergeant as aforesaid, to Levy the said Fine, Debt or Damage, with the charges accruing thereon, upon the Defendants Goods and Chattels, (unless the Defendant satisfy and Pay down the Judgment and Costs Awarded against him,) and such Goods and Chattels so taken by Distraint, shall be Exposed to Sale, returning the overplus if any there be, to the Defendant, and for want of such Goods and Chattels, to make such Distress upon, and to take the Body of such Defendant into Custody, and him to Commit to any of their Majesties Goals within this Colony, there to remain until the said Fine, Debt or Damages, with Costs, be fully satisfied and Paid; and in Case the Plaintiff be Non-Suited, or Judgment pass against him, then the said Assistants or Justices, &c. Are hereby Impowered to Assess the Defendant reasonable Costs against such Plaintiff, to be Levied and Recovered, in the same Manner and

Actions not exceeding *Forty Shillings*, how Tryed.

A Warrant or Summons to be granted out.

Upon Conviction Execution to go forth.

For want of Estate to satisfy, to be Committed to Goal. The Plaintiff to pay Costs of Non-Suit.

N

Form

Form as is above expressed, and the said Assistants and Justices, are hereby Required to keep fair Records of all their Proceedings therein from time to time.

Plaintiff and Defendant have either Liberty of Appeal to the General Court of Tryals, whose Judgment shall be final.

And be it further Enacted by the Authority aforesaid, That either Party, whether Plaintiff or Defendant, shall and may have Liberty, to Appeal from any such Judgment, to the next succeeding General Court of Tryals, to be Held for the Colony, he entering into Bond with one sufficient Surety, in double the Debt and Damages Sued for, and sufficient to answer all Costs that shall arise on the prosecution of his said Appeal with Effect, and abide the Judgment of said Courts, where said Appeal shall be Tryed, and Receive a final Issue, without any further Rehearing or Appeals, and such Recognizance taken as aforesaid, shall be by such Assistants, or Justices of the Peace, returned into the Recorder's Office, at the Sitting of such Court as aforesaid.

AND the Party Appealing, shall bring the Copies of the whole Case, to such Court of Tryals Appealed unto, where such Party shall be allowed the benefit of any further Plea or Evidence, and if upon such new Plea or Evidence, the Judgment shall be Reversed, the Appellant shall have no Costs Granted him for the first Tryal: And the Assistants and Justices, and other Officers concerned in the Proceedings or Tryal of such Actions as aforesaid, shall take these following Fees, herefter Stated, and no more.

Fees in Actions not Exceeding *Forty Shillings.*

Assistants and Justices Fees

	l.	s.	d.
F OR a Warrant of Arrest	00	01	00
For every Summons.	00	01	00
For Judgment.	00	04	00
For Recovering of Judgment.	00	04	00
For Bond to the Peace or good Behaviour.	00	02	06
For Recognizance on Appeals.	00	01	06
For Execution.	00	01	06
For Copy of the Case, the same as the Recorder.			

Constable and Town Sergeant's Fees.

F OR Serving of every Warrant, if not above one	}	00	01	00
Mile from Home.				
If above one Mile <i>Two pence per Mile</i> , Forward and Backward,				

For

For every Person Summoned, if not above one Mile from Home.	3 ⁰⁰ 00 06
If above one Mile <i>Two-pence per Mile</i> Forward and Backward,	
For every Execution Served upon Personal Estate, not above one Mile from Home.	3 ⁰⁰ 01 00
If above one Mile, <i>Two pence per Mile</i> , Forward and Backward.	
For every Execution upon the Body.	00 01 00
If above a Mile distance from Goal, <i>Two pence per Mile</i> Forward and Backward.	
The Constable and Town Sergeant to be allowed for attendance, at the Discretion of the Court.	
To every Evidence for taking Engagement.	00 01 00
To every Witnesses for Attendance <i>per Diem</i> .	00 01 00
If above one Mile from home <i>Two pence per Mile</i> Forwards & Backwards.	

An Act, for Regulating the Ferrys.

BE it Enacted by the General Assembly, and by the Authority of the same, That all and every person or persons, keeping a Ferry within this Colony, shall at all seasonable times carry and Transport over such Ferry or Ferries, the person, Riding Post, and all Officers, and all others Travelling Backwards and Forwards, upon the Publick Service of the Colony, without demanding any thing for Transportation,

All Persons
on Publick
Service to be
carried over
the Ferries,
Ferryage fees.

L A W S,

Made and Past by the General Assembly of His Majesties
Colony of Rhode-Island, and Providence-Plantations.
Held at Newport, the Fifth Day of May 1696.

An Act Regulating the Granting of Commissions to Private Men of War.

FOR the Preventing of any Illegal Actions, or Depredations by Privateers, "Commissienated by the Governour or Deputy Governour of this Colony on any of His Majesty's Subjects, or others in Alliantie with his Majesty.

BE it Enacted by the General Assembly, and by the Authority of the same, That no person or persons shall have any Commission given him or them, by the Governour or Deputy Governour of this Colony, for the Equipping or Fitting out any Vessel
or

Captains of
Private Men
of War to
give a Thou-
sand Pound
Bond.

or Vessels, for the Annoying, Taking, Seizing or Destroying His Majesty's Enemies, before such Person or Persons desiring such Commission, give Bond of One Thousand Pounds, Sterling Money of England, with good Sureties for the due Observing and Acting according to such Commission; and that neither such person or persons, or any under his or their Command, shall at any time or place Commit any Acts of Hostility, Depredation or Injury, to or against any of His Majesty's Subjects or his Allies, or that are or shall be at such time in Alliance with his said Majesty, but in all things shall Act against His Majesty's Enemies, according to the Commission given him or them, and that all Prizes by him or them Taken from His Majesty's Enemies, shall be brought into some Port within His Majesty's Dominions, there to receive such Examination, Tryal and Condemnation, as by the Judge or Judges Appointed by His Majesty, shall be Adjudg'd Lawful.

An Act for collecting of Rates, where the Person Rated hath no visible Estate.

If no visible
Estate to pay
Rates, to be
Committed to
Goal, until the
same be paid.

BE it Enacted by the General Assembly, and by the Authority of the same, That if any Person in this Colony, being Legally rated in any Town, and shall refuse or neglect to Pay such Rate, being by the Officer to whom such Rate shall be Committed to Collect, Legally Demanded of such person in, Case no visible Estate can be found by such Officer sufficient for the Payment thereof whereon to Distrain, shall be by such Officer Committed to His Majesty's Goal in Newport, there to remain until the same be satisfied.

An Act for regulating the Sitting of the General Assembly.

WHEREAS it hath been found by long Experience, That the Governour, Deputy Governour and Assistants, sitting with the Deputies for the several Towns, hath been a great hindrance in the Managing of the Publick Affairs of the Government.

For the Preventing whereof for the future:

BE it Enacted by the General Assembly, and by the Authority of the same, That at all Times hereafter, During the Sessions of the General

General Assembly of this Colony, the Governour, Deputy Governour and Assistants, shall Sit apart from the Deputies of the severall Towns, and Debate and Vote in all Publick Affairs of the Colony by themselves, and shall be Term'd and Called the Upper House.

Governour, Deputy Governour and Assistants to Compose the Upper House, and Vote apart.

AND that the Deputies of the severall Towns in this Colony, shall also Sit, Debate and Vote, in all Publick Affairs of this Colony, During each Session by themselves, and shall be Term'd and Be the Lower House, and shall Elect their Speaker and Clerk, for and During the continuance of such Assembly; and in Case the said Upper and Lower House (for the Tryal of any Appeal, or other Occasion) shall see cause, it shall and may be Lawful for them to Resolve themselves into a Grand Committee, and Sit and Vote together, for the better Determining of the same.

The Deputies to sit and vote by themselves.

An Act for Preventing of any Intrusion into the Lands in the Narragansett Country.

WHEREAS sundry Persons, have settled themselves and Families, in the Narragansett Country, without any Legal Title to any Land therein, and without the Consent and Approbation of the General Assembly of this Colony.

For the preventing the Ill Consequences thereof and the like Intrusions for the Future.

BE it Enacted by the General Assembly, and by the Authority of the same, That all Possessions of any Lands in the Narragansett Country, obtained by Intrusion, without the consent and approbation of the General Assembly, be Deem'd and Adjudged Illegal and Void in Law, and shall not give unto such Possessors, any Right, Title, Interest, Property or Claim therein or thereunto, and the Assistants, and Justices of the Peace, of the Towns of Kingstown, Westerly, and East-Greenwich, shall return the Names of all such Persons, that have Intruded as aforesaid, (or that shall Intrude thereon hereafter) to the General Assembly from time to time, that they may in such Legal manner; as they shall think fit, order the Removal of such Intruders, and Preserve the Just Rights of this Colony thereunto.

All Possession of Lands in the Narragansett, without the Consent of the Assembly, to be void.

L A W S,

Made and Pass by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Fourth Day of May 1698.

An Additional Act to an Act, for Establishing Weights and Measures throughout this Colony.

WHEREAS several Towns in the Colony have been deficient, and have Neglected to Provide Weights and Measures, pursuant to an Act of Assembly, Pass in this Colony, March the First, 1663. Instituted, An Act, for Establishing Weights and Measures.

For the better Inforcing whereof,

The Town Treasurer of each Town to provide Weights and Measures.

Fees for the Sealer.

BE it Enacted by the General Assembly, and by the Authority of the same, That the Town Treasurer of each respective Town, shall at the proper costs and charges of each Town, provide and procure the several Weights & Measures, as is Specified in the afore-cited Act, Pass (the First Day of March, 1663.) within the space of one Year after the Date hereof, (if not already supplied) which shall be Proved and Sealed, by the General Sealer of the Colony, with the Stamp of an Anchor; and every Town that shall Neglect the same, shall Pay as a Fine, Five Pounds into the General Treasury, to and for the Use of the Colony; and the General Sealer, shall be paid for every half Bushel, by him Proved and Seal'd, Six-pence; and for every other Weight and Measure Three-pence each, and the Town Sealer for every Weight and Measure by him Seal'd, Three-pence, to be Paid by the Owner thereof.

AND be it further Enacted by the Authority aforesaid, That whosoever shall Sell by any other Weights than are agreeable to the afore-cited Act, shall Suffer the Penalty, as is therein mentioned.

Repeal'd.

An Act for Punishing of such as shall Refuse to Aid or Obey the Assistants, Justices of the Peace, Wardens or Constables, in the due Execution of their Office.

An Act for Preventing of Sheep and other Cattle,
from being Worried and Torn by Dogs.

WHEREAS great Damage has been done to many Persons,
by Dogs Lugging, Worrying, and oftentimes Killing their
Sheep and other small Cattle.

For the Preventing whereof,

BE IT ENACTED by the General Assembly, and by the Authority of the same, That in case any Person, shall have any Sheep or other Cattle, Worried, Torn or Killed by any Dog or Dogs, that the Owners of such Sheep or Cattle, shall Recover his or their Damages against the Owner of such Dog or Dogs, by Action of the Case with costs of Court; and that if afterwards, any further Damage be done by such Dog or Dogs to any Sheep or Cattle, in like manner that the Owner of such Dog or Dogs, shall Pay to the Party agrieved thereby, double Damages, to be Recovered in like manner as aforesaid with Costs, and that such Dog or Dogs be Killed.

No Dog to worry Sheep, &c. on the Penalty of the Owners paying the Damages for the first Offence. And for the second Offence, double Damages.

An Act for the Impounding of Cattle, Sheep, &c. and
for Recovering the Damages that shall be done by
them.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That if any Neat Cattle, Horse, Sheep or Hogs, shall break into the Grounds of any Person through Lawful Fence, the Party agrieved, shall have his Liberty, either to Recover his Damages by Action against the Owner or Owners of the same, or otherwise to Impound the same, in the Publick Town Pound, and forthwith upon such Impounding, to get Two Free-holders of such Town, to Apprize the Damages done; and such Cattle, Horses, Sheep or Hogs, are to be kept in such Pound, until the Damage and Charge of Impounding be paid by the Owner thereof.

The Person agrieved by Cattle breaking into his Grounds, to recover his Damage by Action, or otherwise to Impound.

PROVIDED always, and it is Enacted, That in case the Owner or Owners of such Cattle, &c. shall see cause to Replevin the same, that it shall be Lawful for him so to do, he giving Bond to the Assistants, or Justices of the Peace granting such Replevin, to prosecute the same with Effect, if the Damage Apprized exceed not Forty Shillings, before Two Assistants, or Justices of the Peace, in said Town, and if the Damage be above Forty Shillings, then to be prosecuted at the next succeeding General Court of Tryals.

Upon Replevin, Bond to be given.

AND the said Assistant, or Justice of the Peace, granting such Replevin, shall return the same, with the Bond by him taken,

taken, (if Tryable at the General Court of Tryals) to the Clerk of said Court, Twenty Days before the sitting of such Court: And if Tryable before the Assistants or Justices, then Ten Days before the Day appointed for Tryal; and thereupon the Party Distraining, shall put in his Avowry or Justification of Impounding, into the General Court of Tryals, Eight Days before the sitting of said Court, with the Clerk of said Court; and if before the Assistants or Justices, Four Days before the time appointed for the Tryal of the same, with one of the said Assistants or Justices.

If not replevin'd within ten Days, to be Sold to pay Damages, &c.

AND be it further Enacted, That in case the Owner or Owners of such Cattle, &c. Impounded, shall not within Ten Days after the Impounding the same, pay or satisfy the Damages appraised, and Charge of Impounding and Feeding such Cattle, &c. or otherwise Replevin the same as aforesaid; that then so many of said Cattle, &c. shall be Sold by publick Outcry, as will pay and satisfy the Charge and Damages.

AND be it further Enacted, That the Pound-Keeper shall feed such Cattle, &c. Impounded, at the Charge of the Owner thereof, and shall be allowed and paid for every Neat Beast, or Horse-kind Impounded, *Four-pence*, and for every Sheep or Hog, *One Penny*, before Discharged from the Pound.

No Hog to run at large. The Penalty thereon.

AND be it further Enacted by the Authority aforesaid, That no Hog or Hogs, shall run at large in any Town in the Government, from the first of *February*, to the middle of *October* Annually, Unyoked or Unringed, (unless by Act of any Town, for such Town it be ordered otherwise,) and it shall and may be Lawful for any person or persons, to Impound any Hog or Hogs, running loose contrary to this Act, and the Owner of such Hog or Hogs, shall pay the Poundage thereof, before they be from Pound discharged.

An Act for the Preventing Fires doing Damage in the Town of Newport.

FORASMUCH as the Buildings in the Town of Newport, are contiguous and adjoining to one another, in most parts of said Town, whereby Fire in breaking out may do unspeakable Damage, unless timely provided against.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That the Owner or Owners, of each and every Dwelling-House, in the Town of Newport, from the Pound at the North-East end of the Town, down to the Sea side, and so Southward and Northward, as far as the Buildings

ings are contiguous or adjoining one to another; shall provide and procure, (within Six Months from the Date hereof) for each Dwelling-House, one good Ladder of sufficient Length, to reach to the Ridge of his or their Dwelling-House; and the same continually keep in repair; that every Owner or Owners of any Dwelling-House who shall neglect to do the same, he, she or they so neglecting, shall for every Month after said Six Months are Expired, Forfeit as a Fine to and for the Use of said Town, One Shilling per Month, to be recovered upon Complaint made, and Conviction thereof before any Assistant, or Justice of the Peace of said Town, by Warrant of Distress, excepting out of this Act, all such Houses which have Walks or Turrets thereon, or other Conveniency, as shall be adjudged and deemed equivalent thereunto.

Every House to provide one good Ladder; within six Months. On the Penalty of One Shilling per Month.

An Act for preventing Fraud in Fire-Wood, Exposed to Sale.

BE it Enacted by the General Assembly, and by the Authority of the same, That all Fire-wood Exposed to Sale in this Colony, shall be Four Foot Long, Measuring to one Half of the Carf, and shall be Sold by the Cord; and that the Cord shall be Eight Foot long, Four Foot high, well stowed and closely laid together.

Fire-Wood to be four Foot long, and the Cord eight Foot long.

AND that in every Town in this Colony, where Wood is Exposed to Sale by the Cord, the Free-men of said Town shall (if they think fit) Annually chuse and elect, one Wood-Corder or more, who shall take the same Engagement to his or their Office, as other Town Officers do; and shall have Four pence per Cord, for every Cord by him Corded, from the Seller of said Wood.

Every Town to Chuse a Corder of Wood.

Town Act, Four pence per Cord.

AND be it further Enacted by the Authority aforesaid, That whoever shall Sell or Expose to Sale, any Wood that is not of the Length as aforesaid, shall upon due Conviction thereof, before any Assistant, or Justice of the Peace of such Town, where such Offence shall be committed; Forfeit all such Wood so Exposed to Sale; the one half to the Informer, and the other half to and for the Use of such Town; to be taken by a Warrant of Distress, to be Granted by such Assistant or Justice, to whom Complaint shall be made.

All Wood exposed to Sale that is not four foot long shall be forfeited,

An Act for preventing the misapplying of the Rates and Taxes, that shall be hereafter Assessed and Levied in this Colony.

No Rates to be misapplied.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That all Rates and Taxes, that shall be Assessed and Levied in this Colony for the future, shall be applied to no other Use or Uses whatsoever, than those for which the same shall be Assessed and Levied: Any Custom or Usage to the contrary hereof notwithstanding.

An Act for Building a Goal in the Town of Providence.

A Goal to be Built in the Town of Providence.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That there shall be a Goal Erected and Built in the Town of Providence, for the securing such Criminals and Prisoners for Debt, as shall be by lawful Authority committed thereto: And that the Sheriff of this Colony for the time being, and in his Absence, the Town Sergeant of said Town for the time being, shall have the Care and Custody of the same.

L A W S,

Made and Past by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Thirtieth Day of April, 1700.

An Act for putting in Force the Laws of England, in all Cases where no particular Law of this Colony hath provided a Remedy.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That in all Actions, Matters, Causes and Things whatsoever, where no particular Law of this Colony is made to Decide and Determine the same; that then and in all such Cases

Cases the Laws of England shall be put in Force, to Issue, Determine and Decide the same. Any Usage, Custom or Law to the contrary hereof notwithstanding.

An Act for the Enabling the Governour of this Colony, to put in Execution the Statute of Trade and Navigation.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That from and after the Publication of this Act, no Master of any Ship or Vessel, that shall come into any Bay, River or Port within the Precincts of this Colony, shall, or do presume to Land, Unlade and put on Shore, any Wares, Goods or Merchandizes, before he hath made Report thereof to the Governour, or in his Absence, to the Deputy Governour, and have Lawfully Entered the same in the Collector's Office; under the Penalty made and Enacted by the Parliament of England, in the Fourteenth Year of King Charles the Second, for preventing of Frauds, and regulating Abuses in the Plantations.

All Vessels that Arrive in this Government, to make their Report to the Governour, &c.

AND be it further Enacted by the Authority aforesaid, That if any Master or Commander of any Ship or Vessel, shall Land, or put on Shore, in this Colony, any Person, or Passengers, that shall not be admitted or received to Inhabit in this Colony; that then and in such Cases, it shall and may be in the power of any Assistant or Justice of the Peace, &c. of such Town, where such Passenger, &c. shall be Landed, to require and command such Master or Commander, to take on board his Ship or Vessel, such Passenger or Passengers, as have been by him Landed, and him, he, she or them so taken on Board, to Transport and carry out of this Colony; and if any Master or Commander of any Ship or other Vessel, shall refuse or neglect so to do, that then it shall and may be Lawful for any Assistant or Justice of the Peace, &c. to grant forth a Warrant, for the Apprehending of such Master or Commander, and him commit to his Majesty's Goal in this Colony, until that he give in one Hundred Pound Bond, with Security to perform the same.

None to Land any Passenger without leave,

An Act for preventing of Clandestine Transportations of any Person or Persons out of this Colony.

WHEREAS divers Masters of Ships, and other Vessels, do from time to time transport and carry away out of this Colony, many Persons who are Indebted to several Inhabitants of

this

this Colony, without giving any Account of the Names of such Persons by them so carried; which is a manifest Injury to the Creditors of such Persons, and some of them are hereby undone.

For the Preventing whereof for the future:

None to be
Transported
out of the Co-
lony, without
a Certificate,
under the Pe-
nalty of Fifty
Pounds.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That no Master or Commander of any Ship or Vessel whatsoever, shall transport or carry out of this Colony, any Family, or Person or Persons, that have not for the space of ten Days before their Departure, fix'd up his, her or their Name or Names in Writing, in some publick Place of the Town wherein they Reside, and of their Intent to depart the Colony; and that the same be Certified under the Hand of an Assistant, or Justice of said Town, under the Penalty of Forfeiting, to and for the Use of the Colony, Fifty Pounds, in Money, to be Recovered by the General Treasurer, upon due Conviction thereof, in the General Court of Tryals.

AND be it Enacted by the Authority aforesaid, That the Assistant, or Justice, &c. that shall give such Certificate as aforesaid, shall transmit a Copy thereof, to the Naval Officer in Newport, who shall keep a fair Register thereof, and of the Time of Departure, and of the Master's and Vessel's Name wherein transported; and shall be paid Twelve-pence for the same, by the Person or Persons desiring to be Transported.

L A W S,

Made and Past by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Warwick, the Twenty Ninth Day of October, 1701.

An Act for preventing of Clandestine Marriages: And also for the Registring of Marriages, Births and Burials.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That all Persons in this Colony, that are desirous to be joyn'd together in Marriage, shall make their Appli-

Application to an Assistant or Justice of the Peace in the Town where such Persons respectively Dwell, who shall give them a Writing under his Hand and Seal, Declaring their Intention of Marriage, the which shall be set up in some publick Place of the Town wherein such Persons respectively Dwell, for the space of fourteen Days; and that if any Person shall have any Lawful Objection to make against any Persons so published, being Married; He or She shall, and may by leave of any Assistant, or Justice, &c. of such Town, underwrite such Publication, he or the first giving to such Assistant, sufficient Bond to Refund all Damages that shall accrue thereon.

None to be Married without due Publication.

Publications may be underwrit.

AND be it further Enacted by the Authority aforesaid, That all Persons that shall go to be Married in another Town than that in which they were Published, shall produce to the Officer to whom they apply themselves to be Married, a Certificate of their being duly Published as aforesaid: And that if any persons shall come into any Town of this Colony to be Married from any other Government, they shall produce a Certificate under the Hand of the Authority lawfully Impowered thereto; of such Government where they respectively Dwell, that they have duly Complied with such Laws and Orders as are in such Government in force for Publication.

AND be it further Enacted, That if any Assistant, Justice of the Peace, or Warden in this Colony, shall presume to joyn together in Marriage any Persons that have not been Published as aforesaid, or any person whose Publication hath been Lawfully under-written, and the Impediment not removed; such Officer so offending, shall for the first Offence Forfeit Five Pounds in Money, to the Use of the Colony; and for the second Offence, Ten Pounds in Money, to and for the Use aforesaid, to be recovered by the General Treasurer, in the General Court of Tryals, upon due Conviction thereof, and for the same shall be Suspended from his Office.

The Officer that shall Marry any Persons not duly Published, shall for the first Offence forfeit Five Pounds, and for the second, Ten Pounds, and to be Suspended.

AND be it further Enacted by the Authority aforesaid, That whosoever shall presume to be Married without duly proceeding as by this Act is required, and thereupon shall Co-habit together; the Persons so offending, being duly Convicted thereof, shall for such Offence, Forfeit Five Pounds in Money, to and for the Use of the Colony; which shall be recovered by the General Treasurer, upon Conviction thereof, in the General Court of Tryals, or shall suffer Three Months Imprisonment.

And the Persons Married shall forfeit Five Pounds, &c.

AND be it further Enacted by the Authority aforesaid, That the above said Act shall be no ways construed, deemed or taken to extend to any Persons that shall be Lawfully Married according to the Laws, Customs, Usage and Ceremony of the Church of England, as by Law Established; nor to those People called Quakers, that shall duly be Married according to the Toleration allowed them.

Q

AND

AND be it further Enacted, That all Marriages shall be Recorded in the Town where they are Consummated, and the Assistant, Justice or Warden, shall return the Names of those they Marry, and when Married, unto the Town Clerk, within Three Months after the Consummation thereof; and shall Pay to the Town Clerk, *Three pence* for the Registering thereof; and he shall be Paid *Three Shillings* for the same.

All Births and Burials to be Recorded within two Months time, on the penalty of *Twelve pence* per Month, for every Months neglect after.

AND be it further Enacted by the Authority aforesaid, That all Births and Burials of all Children shall be Registered in the Town Clerk's Office, in the same Town where they happen to be Born or Die, by the Parents of such Children as shall be Born or Die, as aforesaid, within Two Months time after the Birth or Burial thereof; for Registering of each, the Town Clerk shall be paid *Four-pence*, by the Parent of such Child or Children; and that whosoever shall Refuse or Neglect so to do, shall for every Months Neglect after said Two Months is Expired, Forfeit *Twelve-pence* per Month; to be recovered upon Conviction thereof, in any Court of Record, by the Town Clerk of said Town; the one Moiety thereof for the Use of such Town, and the other Moiety for the Use of such Town Clerk as shall Sue for the same.

PROVIDED always, That such Suit be brought within two Years after such Marriage, Birth or Burial.

L A W S,

Made and Past by the General Assembly of this Her Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at *Newport*, the Sixth Day of May, 1702.

Repeal'd.

An Act for preventing the Inhabitants of this Colony, from Concealing or Harboursing Vagrants, Runaways, &c.

An

An Act for Establishing and Regulating the Assessing and collecting such Rates and Taxes, as shall at any time hereafter be Assessed and Levied on the Colony, and all such Rates as shall be Assessed on the Several Towns in the same.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That from time to time, and at all Times hereafter, as often as the General Assembly of this Colony shall Order and Enact any Rates to be Assessed and Levied on the Inhabitants of this Colony, the Recorder of the Colony for the time being, shall forthwith send a Copy thereof under the Seal of the Colony, to the General Treasurer for the time being, who upon the Receipt thereof shall send an Exact List of each Towns part to the Town Clerk of each Respective Town, together with a Warrant to each and every of them, requiring them to Notify the Rate-makers or Assessors of each respective Town, to Assess and Apportion the same, on the Inhabitants of said Town, according to the Time specified in said Act of Assembly: And the Assessors or Rate-makers of each Town, or the major part of them, shall ten Days before they Assess or Apportion the same, set up two Notifications under their Hands, Requiring the Inhabitants of their Town, to bring into them in Writing under their Hands, an Exact List of their Rateable Estate, by such time as is therein prefixed, who are hereby required to give their Engagements thereto; and the Assessors or Rate-makers are hereby fully Impowered to take the same, in the following Engagement.

The Recorder to send a Copy of the Acts requiring Rates to be made to the General Treasurer. Who is to Order the Assessors to Assess the same. Persons to give in an Account of their Rateable Estate, upon Engagement.

YOU A. B. do on your solemn Engagement, hereby Declare, that the Account and List of your Rateable Estate, by you so us presented, is a true and just Account of the whole of your Rateable Estate, as you know of, and is in your Care and Custody, and this you Declare to be the Truth, and nothing but the Truth, upon the Peril of the Penalty of Perjury.

The Form of the Engagement.

AND be it further Enacted, That whosoever shall Refuse or Neglect so to do, in case he be over-rated, shall have no Remedy for the same.

AND be it further Enacted by the Authority aforesaid, That the aforesaid Assessors or Rate-makers, shall forthwith upon their Assessing and Apportioning of any Rate or Tax, to them committed to Assess, send and return a true Bill or List thereof to the Town Clerk of such Town, to which they respectively belong, under their Hands; and the Town Clerk shall upon his receiving thereof, draw an Exact Copy thereof, and send the same to the General Treasurer under his Hand Indented, and upon Receipt thereof, the General Treasurer shall Issue forth his Warrants, to the several Constables of the Respective Towns, commanding every of them in Her Majesty's Name to collect

The Assessors to send the Rate Bill to the Town Clerk. And he a Copy to the Treasurer, who is to grant forth his Warrants for the Collecting thereof.

collect and gather the several Sums, as to them is severally committed in Money, by such time as by Law is Required; and when gathered and collected, the same to bring, and pay unto him, or to his Successors in said Office.

Upon neglect
of Collecting,
how recovered.

AND be it further Enacted, That if any Constable or Constables, shall refuse or neglect to do the same as aforesaid; that then and in such Cases, the General Treasurer shall recover the Sum against such Constable or Constables, as shall be defective therein, by Action of Debt, at the General Court of Tryals, to be brought at any time before the sitting of such Court, together with the incident charges accruing; and the Defendant or Defendants, shall have no Effoign, Protection, or Wager of Law allowed him or them. Any Law, Custom or Usage, to the contrary hereof notwithstanding.

Fees for the
Treasurer, &c.

And the General Treasurer, shall be allowed him *Six-pence* per Pound, for Receiving and Paying out the same: And Assessors or Rate-makers shall be Paid *Three pence* per Pound; for Apportioning thereof, and the Town Clerk for copying the Rate Bill, according as for other Copies; and the Constables Fees for collecting, shall be *Twelve-pence* per Pound, all the said Fees to be paid out of each Respective Rate, as it shall be paid into the General Treasury.

The Town
Clerk to re-
turn the Con-
stables Names
to the General
Treasurer.

AND be it further Enacted by the Authority aforesaid, That the Town Clerk of each Respective Town, shall within ten Days after the Election and Engagement of the Constables of the Town wherein he dwells, send a List of the Constables so chosen and engaged, unto the General Treasurer of the Colony for the time being; and that if any Town Clerk shall neglect the same, he shall Forfeit *Forty Shillings* for every Offence, to and for the Use of the Colony, to be Recovered by the General Treasurer for the time being, upon Complaint made before any Court of Record in the Colony.

Towns Rates
to be Assessed
and Collected,
as the Colony
Rates are.

AND be it further Enacted by the Authority aforesaid, That all Town Rates, that shall be Levied on any Town in the Colony, shall be Assessed and collected in the same manner and form as the Colony Taxes are, and the Town Treasurer shall have an Action of Debt against any Delinquent, Constable, or Constables, as the General Treasurer hath; wherein no Effoign, Protection, or Wager of Law shall be allowed the Defendant.

LAWS,

L A W S,

Made and Paſt by the General Aſſembly of Her Ma-
jeſty's Colony of Rhode-Iſland, and Providence-Planta-
tions, Held at Newport, the Fourth Day of
January, 1704.

An Act for Levying of a Duty on Tunnage of
Shipping.

WHEREAS the Colony hath been at a great Charge to Build
and Erect a Fort on Fort-Iſland, for the Security of the Ship-
ping and Navigation of the Colony.

For the better keeping the ſame in Repair.

BE IT ENACTED by the General Aſſembly, and by the Au-
thority of the ſame, That there ſhall be paid by the Maſter
of every Ship or other Veſſel, of above ten Tons, coming into
any Port or Ports in this Colony to Trade or Traffick, which
are not wholly Owned by the Inhabitants of this Colony; *Twelve pence
per Ton Duty
on Foreign
Shipping.*
every Voyage ſuch Ship or Veſſel doth make, Twelve pence per
Ton, or one Pound of good new Gun Powder, for every Ton
ſuch Ship or Veſſel is in Burthen by Register; to be paid to
the Naval Officer of the Town of Newport, to be employed
to and for the Uſe of the Fort on Fort-Iſland.

PROVIDED always, and it is the true intent and meaning
hereof, That this Act ſhall not extend to make any Maſter
of any Ship or other Veſſel, Pay Twelve pence per Ton, or
one Pound of Gun Powder, for any greater part of ſaid Ship
or Veſſel, than what ſhall not be owned by any Inhabitant of
this Colony.

AND be it further Enacted by the Authority aforeſaid, That no
Maſter of any Ship or Veſſel, ſhall Sail from out of the Har-
bour of Newport, without firſt producing to the Gunner of
ſaid Fort, a Certificate, from under the Hand of the Governour,
or Deputy Governour, that he hath complied with ſuch Or-
ders and Laws, as he is Required to; whereupon the Gunner
of ſaid Fort, ſhall ſuffer the Maſter of ſuch Ship or Veſſel to
depart: And that if any Maſter of any Ship or Veſſel, ſhall
preſume to Sail or Paſs by the Fort, without proceeding as
aforeſaid,

aforesaid, that then and in such Cafes, the Gunner fhall Ufe his utmoft Endeavour to ftop fuch Ship or Veffel, purfuant to fuch Inſtructions, as he fhall receive from the Governour, for the doing of the fame; who is fully Impowered to Grant fuch Orders as fhall be neceffary therefor: And that if any Ship or Veffel fhall be Damnified, Sunk or Destroyed thereby, the Maſter of fuch Ship or Veffel, fhall make good all Damages that fhall be Sufained thereby.

'An Act Prohibiting Negroes and Indians from being abroad at unfeafonable times of the Night, and for Punifhing thoſe that fhall Entertain them contrary hereto.

WHEREAS divers Thefts and Robberies have been Committed in the Night time by Negroes and Indians, within this as well as in the Governments adjoining.

For the Preventing whereof,

No Negroes or
Indians to be
Abroad after
Nine at Night.

On the Penal-
ty of Whipp-
ing.

BE it Enacted by the General Aſſembly, and by the Authority of the ſame, That if any Negroes, or Indians, Freemen or Slaves, fhall be found Abroad after Nine a Clock at Night, at any time throughout the Year, without a Certificate from their Maſters, or ſome other *Engliſh* Perſon of the Family to the which he, ſhe, or they belong, or ſome lawful Excufe for the ſame; that then it ſhall and may be Lawful for any Perſon or Perſons to Take, Seize and Secure the ſame till next Morn- ing, and then bring them before an Aſſiſtant, or Juſtice of the Peace of ſuch Town, who ſhall upon due Proof thereof, cauſe ſaid Negro or Negroes, Indian or Indians, to be publickly Whipt at the publick Whipping Poſt of ſuch Town where ſuch Offence ſhall be committed, not exceeding fifteen Stripes, un- leſs their incorrigible Behaviour deſerve more; and the Per- ſons ſo convicted, if Freemen, ſhall pay the Charge of Proſe- cution, &c. and if Slaves, the Owner or Owners thereof, ſhall pay the ſame; and if the Owner or Owners of any ſuch Slave or Slaves ſhall reſuſe ſo to do, that then the Aſſiſtant, or Juſtice, &c. ſhall Grant forth a Warrant of Diſtreſs to a Con- ſtable of ſaid Town, to Diſtrain ſo much of his or their Goods, as will ſatiſfie and pay the ſame.

No Houſe-
Keeper to En-
ertain any In-
dians or Ne-
groes.
On the Penal-
ty of Five
Shillings.

AND be it further Enacted by the Authority aforeſaid, That no Houſe-keeper ſhall Entertain any Slaves or Servants, either Indians or Negroes, after Nine a Clock at Night, as aforeſaid, without the Owner of ſaid Slave or Servant's leave; and who- ſoever ſhall be convicted of ſuch Offence, before any Aſſiſtant, or Juſtice of the Peace, &c. ſhall for every ſuch Offence, forfeit Five Shillings, in Money, to and for the Uſe of the Town where

where such Offence shall be committed; and if the Person so offending, shall refuse to Pay the same, it shall be Recovered by the Town Treasurer of such Town, upon due proof thereof, before any Assistant or Justice of the Peace, in manner as aforesaid.

L A W S,

Made and Past by the General Assembly of Her Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Providence the Twenty Fifth Day of October, 1704.

An Act preventing of Damage to be done, by Firing of the Woods in any Town in this Colony.

WHEREAS great Damage has been done to several of the Inhabitants of this Colony, to their Hay, Fencing, &c. by Firing of the Woods, at unseasonable Times of the Year.

For the Preventing whereof:

BE IT ENACTED by the General Assembly, and by the Authority of the same, That no Person whatsoever, shall set any Fires, or cause any Fires to be set in the Woods, in any part of this Colony, on any time of the Year, save between the Tenth of March, and the Tenth of May, Annually; nor on the First or Seventh Day of any Week, during said time, under any pretence whatsoever; and that whosoever shall be lawfully convicted of doing the same, before any two Assistants, or Justices of the Peace, &c. of such Town where such Offence shall be committed, either by their Town Confession, or by the Evidence of two Witnesses upon Engagement, shall Forfeit Thirty Shillings in Money, to and for the Use of such Town; and if the Person or Persons so convicted, refuse to pay the same, that then such Assistants, or Justices, &c. shall Grant forth a Warrant of Distress, to any Constable of said Town, to Distrain so much of the Offender's Goods and Chattels, as shall Satisfy and Pay the same, to the Use aforesaid; and all Incident Charges thereon Accruing.

None to fire Woods, but between the Tenth of March, and the Tenth of May. On the Penalty of Thirty Shillings.

AND

And the Party
aggrieved there-
by, shall reco-
ver his Da-
mage.

AND that whosoever shall suffer any Damages by reason of such Offence as aforesaid, shall have an Action of Trespass upon the Case, against such Offender or Offenders, and shall Recover his Damages and Costs accordingly, if under *Forty Shillings*, before any two Assistants or Justices of such Town where such Offence shall be committed; and if above *Forty Shillings*, in the General Court of Tryals.

Repeal'd.

An Act for the Preservation of Deer, within this Colony.

L A W S.

Made and Pass'd by the General Assembly of this Her Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at *Newport*, the Second Day of *May*, 1705.

An Act for securing of Costs to the Inhabitants and Residents of and in this Colony, that shall be Arrested by any Person that are not Inhabitants and Freeholders in the same.

No Inhabitant
of this Colony
to be Arrested,
but by a Free-
holder of the
same.
Unless the
Plaintiff give
Bond.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That no Person or Persons whatsoever, that is not an Inhabitant or Freeholder in this Colony, shall have out of the Recorder's Office, any Writ of Arrest, or Summons, against any Person or Persons Inhabiting or Residing in the same, without first giving in Bond in the Recorder's Office, of *Twenty Pounds*, with Security for to Refund all Costs that shall Accrue thereon, upon non Prosecution of such Suit, or if such Action shall be Non-Suit, or cast upon Tryal: Any Law or Custom to the contrary hereof notwithstanding.

An

An Act Establishing a Notary Publick, within this Colony.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That the General Recorder of the Colony for the Time being, shall be Publick Notary of this Colony; and he is hereby fully Impowered and Authorized, to Act, Transact, Do and Finish, all and whatsoever Matters, Causes or things, Relating to Drawing of Protests, or Protesting Bills, &c. as are by Law Required, and that he shall be Engaged thereto, for the which he shall take the following Fees, and no more.

Recorder to be Notary Publick. Fees for the same.

	l.	s.	d.
T O Swearing to Protest.	00	03	00
To Drawing Ditto.	00	03	00
To Sealing Ditto.	00	03	00
To Registring Ditto in the Office.	00	03	00
To Copy Ditto.	00	03	00

L A W S,

Made and Past by the General Assembly of Her Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Providence, the Thirteenth Day of October, 1706.

An Act for Extending East-Greenwich Township West, to the Colony West Line.

WHEREAS the Township of East-Greenwich is very small, and there is a Tract of Land Lying West of said Township, very Commodious to Enlarge the same.

BE IT therefore Enacted by the General Assembly, and by the Authority of the same, That the North and South Bound of East-Greenwich Township, being Run due West, from the South West and North West corners of said Township, to the Colony Line, and all the Land therein included, shall be, and is hereby Annexed, to be part of the Township of East-Greenwich, and the Inhabitants that are already settled thereon, or that shall hereafter settle thereon, shall have the same Liberties and Priviledges, as the other Inhabitants of East-Greenwich, have and Enjoy.

East-Greenwich to Extend West to the Colonys Line.

L A W S,

Made and Past by the General Assembly of her Majesty's Colony of Rhode-Island, & Providence-Plantations, Held at Newport, the Twenty Fifth Day of February, 1706.

An Act for Regulating of Tanners, Curriers and Cordwainers.

FOR PREVENTING of Deceits and Abuses by Tanners, Curriers, Shoemakers, and Workers up of Leather.

All Tann'd
Leather to
be Sealed
before Sold.

BE IT ENACTED by the General Assembly of Her Majesty's Colony of Rhode-Island, and Providence-Plantations, and by the Authority of the same, That no Person or Persons whatsoever, Using, or which shall Use the Mystery or Faculty of Tanning, shall at any time or times hereafter, put to Sale any kind of Leather, which shall be Insufficiently Tanned, or which hath been over Limed or burnt in the Limes, or which shall not have been after the Tanning thereof, well and thoroughly Dried, or that shall not be Sealed, as in and by this Act is hereafter Directed; upon pain of Forfeiting the whole Side or Piece of Leather so offered to Sale; and no Person or Persons whatsoever, Using, or that shall hereafter Use the Mystery or Faculty of Tanning, shall set his or any or their Fatts in Tann-hills, or other places where the Wooze or Leather is put to Tan in the same, shall or may take any unkind Heats, nor shall put any Leather into any Hot or Warm Wooze whatsoever; on pain of Forfeiting Twenty Pounds, for every such Offence.

No Currier to
work unseal'd
Leather, or
undried.

How Leather
should be
Curried.

AND be it further Enacted by the Authority aforesaid, That no Person or Persons whatsoever, Using, or Occupying, or that shall hereafter Use or Occupy the Mystery or Faculty of Currying, may, or shall Curry any kind of Leather, except it be Sealed as is hereafter Provided; nor shall Curry any Hides, not being thoroughly dried after his wet season, in which wet season, he shall not Use any stale Urine, or any other deceitful, subtille Mixture of any thing, way or means to Corrupt or Hurt the same; or shall Curry any Leather Wet for outer Sale Leather, without any other thing than Hard Tallow, nor with any less of that than the Leather will receive, nor shall Curry any kind of Leather, meet for upper Leather, and Inward Soles, but with good and sufficient Stuff, being Fresh, not Salt, and thoroughly Liquor'd, till it will receive no more; nor shall burn or scald any Hide

or

or Leather in the Currying, but shall work the same sufficiently in all respects and points, on Pain of Forfeiting for every such offence or Act done, contrary to the true intent and meaning hereof, every such Hide marr'd or hurt by his evil Workmanship or Handling.

AND be it further Enacted by the Authority aforesaid, That no Person or Persons, Using, or shall hereafter Use or Occupy the Mystery or Faculty of a Shoemaker or Cordwainer, shall work up into Shoes, or other Wares, any Leather that is not Tanned and Curried as aforesaid, or shall Use any Leather made of Horse hides for inner Soles, of any Shoes or Boots, on Pain of Forfeiting of all such Boots, Shoes or Wares, wrought up of such Insufficient Leather.

No Cordwainer
to work up
any Leather
Tann'd, &c.
as aforesaid.
On the penal-
ty of forfeit-
ing the same.

And for the more Effectual Execution of said Act,

BE it further Enacted by the Authority aforesaid, That all Leather that is or shall be Tanned or Curried, shall before the same pass out of the Tanners or Curriers Yards, Houses, or Places Respectively where it was wrought, be Viewed by Sworn Searchers or Sealers of Leather, by Law directed; to be Annually Chosen in such Towns where there shall be need, who shall have two several Marks or Seals, to be procured by each Town for that purpose, with one of which they shall Seal all such Leather, as they shall find sufficiently Tanned in all respects as aforesaid, and with the other all such Leather as they shall find well and sufficiently Curried, as is before mentioned, and no other.

All Leather
before work'd
to be Seal'd

AND the Searchers and Sealers, shall and are hereby Authoriz'd and Impower'd, *ex Officio*, to make Search, and View in all respective Places or Houses, Shops, Ware-houses, or other places, within the Limits of their respective Precincts, where they conceive any Leather to be wrought into Shoes, Boots or other Wares, or any Leather offered to be Sold, or offered to be Searched or Sealed, and shall not be Tanned as aforesaid, and well Curried, according to the aforesaid Act, and the true intent and meaning thereof, or shall find any Leather in whole Sides, out of the Possession of the Currier, not Sealed with the Mark or Seal to be Used for Leather well Tanned or well Curried; in all such Cases, it shall and may be lawful, for the Searchers and Sealers, to Seize all such Leather Insufficient or Unsealed, whether it be wrought up into Wares or not; and if the owner or Challenger thereof, shall not submit to the Judgment of the Officer or Officers that Seiz'd the same, such Officer or Officers shall retain such Leather in his or their custody, till Tryal thereof be had, as is hereafter directed, and Judgment thereon.

All whole
Sides out of
the Curriers
possession, un-
seal'd to be
Seiz'd.

IN such Cases the Officer or Officers, shall within four Days after said Seizure, Inform some Justice of the Peace in said Town thereof, who shall thereupon appoint four Persons, or more honest Skilful Men in Leather, to View the same in the owner or claimers

How to pro-
ceed with
Leather Seiz'd

claimers of such Leather's presence, or without him (if having notice thereof he doth not appear) to report to any Justice, the defect which they find in said Leather; which Report the said Justice shall return unto the next General Court of Tryals for the said Colony, for a Conviction in Law on the Fine Imposed; but in Case the Viewers shall Report that they do not find such Leather or Wares so Seized in any respects defective, according to the intent of this Act, the Justice that appointed such Viewers, shall cause the same forthwith to be discharged from the Seizure, made by such Officer or Officers.

None to resist
the Searchers
and Sealers.
On the penal-
ty of Five
Pounds.

And be it further Enacted by the Authority aforesaid, That no Person whatsoever, shall or may withstand or resist the Searchers and Sealers in the Execution of their Office, nor in the Searching for any Insufficient Leather or Wares, upon the Forfeiture of *Five Pounds* for every such Offence.

Fees for Seal-
ing and
Searching.

And the Fee for Searching and Sealing of Leather, shall be *One-penny per Hide*, for any parcel less than Six Hides, and for all other Parcels, if by the Dozen, no more than *Eight-pence*, which Fees the Tanner or Currier shall Pay on the Sealing thereof from time to time, and shall also pay *Three-pence per Mile*, for every Mile any Searcher or Sealer shall Travel above one Mile.

No Searcher
or Sealer to
refuse his
Duty, on the
penalty of
Forty Shillings.

And no Searcher or Sealer of Leather, shall refuse within convenient time to do his Office, nor shall allow any Leather or Wares which are not sufficient, on the Penalty of forfeiting *Forty Shillings*, nor shall take any Bribe, nor exact more than his Fees, on pain of Forfeiting the Sum of *Ten Pounds*, for every such Offence.

How the Fines
shall be dis-
posed of.

And be it further Enacted by the Authority aforesaid, That all such Fines, Forfeitures and Penalties, as shall arise or grow due by virtue of this Act, or any Clause therein contained, shall be disposed of in manner following, *viz.* two third parts thereof, to be paid into the Town Treasury, to and for the Use of said Town, where the Offence shall be committed; and the other third to the Seizer or Seizers of such insufficient Leather, or to him or them as shall Inform and Sue for the same; to be recovered by Action, Bill, Plaint, or Information, in any General Court of Tryals within the Colony, or before any two Justices of the Peace, when the matter doth not exceed *Forty Shillings*.

And be it further Enacted by the Authority aforesaid, That when and as often as any Leather shall be Seiz'd in the Hands of either Tanner or Currier, and become forfeited by virtue of this Act, through their default, and if belonging to any particular person, the Tanner or Currier shall be liable to make satisfaction to the Owner thereof for the same; to be recovered in any General Court of Tryals, or before any two Justices of the Peace, if the value do not exceed *Forty Shillings*.

And for the ascertaining of which value, the Persons to be appointed as aforesaid, for viewing the defects in Leather, (shall when

when the same is Seiz'd, for being marr'd and spoil'd by the Carrier or Tanner) through his ill Workmanship or handling, be also appointed to Estimate and judge the value thereof, and make Report of the same, together with the Defects.

AND be it further Enacted by the Authority aforesaid, That each Town in the Colony, shall at their Town Elections, Annually Choose two Sealers and Searchers of Leather, who shall take their Engagement to the performance of their Office, as other Town Officers do.

Each Town
to Chuse
Searchers and
Sealers of
Leather.

An Act, Stating the due Affize of Bread.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That henceforth every Baker, shall have a distinct Mark for his Bread, that he shall Bake and Sell, which he shall Stamp thereon, and shall keep the due Affize hereafter expressed, on all sorts of Loaf-Bread that he shall Bake, to Weigh by Averdupoize Weight, as is hereafter mentioned, according to the several Prices of Wheat by the Bushel, as is hereafter set down.

Every Baker
to stamp his
Bread with a
distinct mark,
and to Sell ac-
cording to the
Rates hereaf-
ter mentioned.

The Price of the Bushel of Wheat, and Baking.	Weight of the Penny Loaf.						Weight of the two Penny Loaf.					
	White.		Whea- ten.		House- hold.		White.		Whea- ten.		House- hold.	
	Ounces	Drams	Ounces	Drams	Ounces	Drams	Ounces	Drams	Ounces	Drams	Ounces	Drams
4 0	11	9	17	6	23	3	23	3	34	12	46	5
4 6	10	5	15	7	20	10	20	10	30	14	41	3
5 0	9	4	13	14	18	9	18	9	27	13	37	1
5 6	8	7	12	10	16	14	16	14	25	4	33	11
6 0	7	12	11	9	15	7	15	7	23	3	30	14
6 6	7	2	10	11	14	4	14	4	21	6	28	8
7 0	6	10	9	15	13	4	13	4	19	14	26	8
7 6	6	3	9	4	12	6	12	6	18	9	24	11
8 0	5	13	8	11	11	9	11	9	17	6	23	3
8 6	5	7	8	3	10	14	10	14	16	6	21	13
9 0	5	2	7	12	10	5	10	5	15	7	20	10
9 6	4	14	7	5	9	12	9	12	14	10	19	8
10 0	4	10	6	15	9	4	9	4	13	14	18	9
10 6	4	7	6	10	8	13	8	13	13	4	17	10
11 0	4	3	6	5	8	7	8	7	12	10	16	14
11 6	4		6	1	8	1	8	1	12	1	16	2
12 0	3	14	5	13	7	12	7	12	11	9	15	7
12 6	3	11	5	9	7	7	7	7	11	2	14	13
13 0	3	9	5	6	7	2	7	2	10	11	14	4
13 6	3	7	5	2	6	14	6	14	10	5	13	12
14 0	3	5	4	15	6	10	6	10	9	15	13	4
14 6	3	3	4	13	6	6	6	6	9	9	12	13
15 0	3	1	4	10	6	3	6	3	9	4	12	6

T

Weight

The Price of the Bushel of Wheat, and Baking.	Weight of the Six Penny Loaf.						Weight of the 12 Penny Loaf.					
	Wheaten.			Household.			Wheaten.			Household.		
	Pounds	Ounces	Drams	Pounds	Ounces	Drams	Pounds	Ounces	Drams	Pounds	Ounces	Drams
4 0	6	8	4	8	11		13	9	17	6	1	
4 6	5	12	11	7	11	9	11	9	6	15	7	3
5 0	5	3	7	6	15	4	10	6	13	13	14	7
5 6	4	11	13	6	5	2	9	7	11	12	10	4
6 0	4	5	8	5	12	11	8	11	1	11	9	6
6 6	4		3	5	5	9	8		5	10	11	2
7 0	3	11	9	4	15	7	7	7	3	9	14	14
7 6	3	7	10	4	10	2	6	15	4	9	4	5
8 0	3	4	2	4	5	8	6	8	4	8	11	1
8 6	3	1	1	4	1	7	6	5	2	8	2	4
9 0	2	14	5	3	13	13	5	12	11	7	11	9
9 6	2	11	14	3	10	9	5	7	13	7	5	1
10 0	2	9	11	3	7	10	5	3	7	6	15	4
10 6	2	7	12	3	4	15	4	15	7	6	9	15
11 0	2	5	15	3	2	9	4	11	13	6	5	2
11 6	2	4	4	3		6	4	8	9	6		11
12 0	2	2	12	2	14	5	4	5	8	5	11	12
12 6	2	1	6	2	12	8	4	2	12	5	9	
13 0	2		1	2	10	12	4		3	5	5	9
13 6	1	14	14	2	9	3	3	13	13	5	2	6
14 0	1	13	13	2	7	12	3	11	9	4	15	7
14 6	1	12	12	2	6	6	3	9	8	4	12	11
15 0	1	11	13	2	5	1	3	7	10	4	10	2

AND so proportionably, under the Penalty of Forfeiting all such Bread, as shall not be of the several Assizes, as is afore-mentioned, to the Use of the Poor of such Town where such Seizure shall be made, and otherwise as is hereafter mentioned.

The Town Council to state the price of Wheat once a Month.

AND be it further Enacted by the Authority aforesaid, That the Town-Council of each respective Town in the Colony, where Bread is Baked for Sale, shall once a Month, Enquire, State and Record the middle Price of Wheat, and cause the same to be made known, by setting of it up in some publick Place of said Town; and the Bakers shall accordingly Regulate the Weight of their Bread, after the Assizes before-mentioned.

AND

AND be it further Enacted by the Authority aforesaid, That in every Town in the Colony, where Bread is Baken for Sale, there shall be Chosen one Clerk of the Market, or more, as each Town shall find needful, at their Annual Election of Town Officers, who shall duly be Engaged, to the faithful performance of said Office, as other Town Officers are; and such Clerk or Clerks of the Market, shall once a Month, or oftner, as he shall see cause, enter into any Shop, or Place where Bread is Sold, or Baken for Sale, and weigh the same; and all such Bread as they shall find under the Affize aforementioned, or not marked, he or they shall make Seizure of, and one Moiety thereof shall deliver unto the Town Treasury, to and for the Use of said Town; and the Officer shall have the other Moiety thereof for his pains therein; and the Constable or Constables of such Town, are hereby Required, to Aid and Assist the Clerk or Clerks of the Market, in his or their Executing of his or their Office, when and so often as he or they shall be thereunto Required.

A Clerk of the
Market to be
Annually
Chosen.

His Duty...

L A W S.

Made and Past by the General Assembly of her Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Third Day of May, 1710.

An Act for the Raising and Emitting Five Thousand Pounds in Bills of Credit.

WHEREAS this Colony has Received Orders from Her Sacred Majesty, Queen ANNE, for an Expedition, to be Prosecuted with speed against the French and Indian Enemies, which by reason of the great Scarcity and Want of Silver Money, this Colony without some extraordinary means be used for the effecting the same, would be unable to perform; For Remedy whereof, and the speedy procuring and equipping out all things necessary for the same,

BE IT ENACTED by the General Assembly, and by the Authority of the same, That there be with all expedition, Printed to the value of Five Thousand Pounds in Bills of Credit on

Five Thousand
Pounds in
Bills of Credit
Impress'd.

on this Colony, as followeth, viz. One Thousand Pounds in Five Pound Bills, One Thousand Pounds in Three Pound Bills, Five Hundred Pounds in Forty Shilling Bills, Five Hundred Pounds in Twenty Shilling Bills, Five Hundred Pounds in Five Shilling Bills, Five Hundred Pounds in Two Shillings and Six-penny Bills, and Five Hundred Pounds in Two Shilling Bills; which Bills to be Printed as aforesaid, shall be in value equal to current Silver Money of New-England, in all publick Payments, and shall have the *Anchor* and *Hope* affixed in the Scutcheon, with such other Impressions, as shall be thought needful by the Committee, in this Act hereafter Named, which shall be in the manner following.

The Form of
the Bills.

THIS Indented Bill of *Due from the Colony of*
Rhode-Island, and Providence-Plantations, in New-England,
to the Possessor thereof, shall be in equal value to Money, and
shall be accordingly accepted by the Treasurer and Receivers,
subordinate to him in all publick Payments, and for any Stock at
any time in the Treasury. Newport, August 16th. 1710. By
Order of the General Assembly, for the Colony above-said.

The Commit-
tee to Sign the
Bills.
The Bills as
current Coin,
Specialties on-
ly excepted.

AND be it further Enacted by the Authority aforesaid, That
the aforesaid Bills of publick Credit shall be Signed by Lieu-
tenant Collonel John Wanton, Lieutenant John Odlin, Major
Nathaniel Buffield, Major Joseph Fencks, Mr. John Coggeshall,
and Mr. Job Green, or by any three of them, who are hereby
appointed and empowered to Sign the same, and deliver them
unto the General Treasurer; which Bills are, and shall be re-
ceived and paid for the same Value, and equal to the current
Coin passed in this Colony, for Goods, or any other thing
Bought or Sold in all Payments to be made whatsoever; Spe-
cialties only excepted, for and during the space and time of
five Years ensuing the Date hereof, if the General Assembly
shall then see cause to Call them in; and when called in,
the Possessor of such Bills shall be Reimburs'd the Sum men-
tioned in such Bill or Bills, in Current Money of said Colony,
by the General Treasurer hereof; and the same shall be Levied
and Collected by Act of Assembly, and duly Apportioned on the
Inhabitants of each Town in the Colony.

LAWS,

L A W S,

Made and Paſt by the General Aſſembly of Her Ma-
jeſty's Colony of Rhode-Iſland, and Providence-Planta-
tions, Held at Providence the Twenty Fifth Day
of October, 1710.

An Act for preventing Counterfeiting of the Bills of
Credit Emitted, or that ſhall be Emitted by any of
the Governments of *New-England*, and to prevent
Defacing of the ſame, &c.

BE IT ENACTED by the General Aſſembly, and by the Autho-
rity of the ſame, That whoſoever ſhall Forge, Counter-
feit or Utter, any Bill or Bills, (knowing the ſame to be falſe
and counterfeit) of the Tenor, or in the Imitation, of any of
the Bills of Credit Emitted by this Colony, the Province of
the *Maſſachusetts-Bay*, the Colony of *Conneticut*, or the Pro-
vince of *New-Hampſhire* by Law Eſtabliſhed therein; or that
ſhall Counſel, Adviſe or Procure the ſame in any ways, by
Forging, Counterfeiting, Imprinting or Signing any ſuch falſe
Bills, or make or Ingrave any Plate or other Inſtrument for
that Purpoſe; or that ſhall Alter or Increate any Figure or
Sum in any Bills of Credit Emitted, or that ſhall be hereaf-
ter Emitted, by this or any other Governments as aforeſaid,
or that ſhall Forge or Counterfeit, any Name, Hand, Stamp or
Mark, that now is, or hereafter ſhall be made or ſet thereon;
the Perſon or Perſons ſo Offending therein, ſhall Suffer the
Pains of having their Ears cropt, being Whip'd or Fined at
Diſcretion, and Imprifoned as the Nature of the Offence Re-
quires, by the Judges of ſuch Court, where ſuch Offence ſhall
be Tryed, and ſhall pay double Damage, to the Perſon or
Perſons Defrauded and Cheated by ſuch Falſe Bills; and in
caſe ſuch Offender or Offenders, have not Eſtate ſufficient to
defray the Charge of their Proſecution, Imprifonment, and
double Damages as aforeſaid; that then and in ſuch Caſes,
the Offender or Offenders therein, ſhall be ſet to Work, or
Sold for any term of Years, for ſatisfaction of the ſame, at the
Diſcretion of the Judges of ſuch Court, where ſuch Offence
ſhall be Tryed.

The Maker or
Paſſer of
Counterfeit
Bills, &c.
ſhall be pu-
niſhed by
Whipping,
Pillory, &c.
And the Per-
ſon agrieved
thereby ſhall
recover double
damages.

An Act for Impressing and Emitting *One Thousand Pounds* in publick Bills of Credit on this Colony.

One Thousand Pounds Imprinted in Bills of Credit.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That there be forthwith Imprinted and Raifed, *One Thousand Pounds* of publick Bills of Credit on this Colony, in the same Manner and Form, that the *Five Thousand Pounds* of Credit formerly Emitted by this Colony were, and they shall be Signed by the same Committee, and pass in all Payments whatsoever, as the other Bills aforesaid, already Emitted by this Colony do.

L A W S,

Made and Past by the General Assembly of Her Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Twenty Seventh Day of November, 1710.

An Act for the Raifing and Emitting *One Thousand Pounds* in publick Bills of Credit.

FORASMUCH as the Bills of Credit already Emitted by this Colony, are not sufficient to satisfy the Debts Created by this Colony, in the late Expedition undertaken against Annapolis-Royal, in pursuance to Her Majesty's Command, whereby many Persons are very great Sufferers, and several like to be Ruined thereby, and there not being sufficient Silver in the Colony to answer the same,

One Thousand Pounds of Bills of Credit Imprinted.

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same, That there be forthwith Imprinted and Raifed, *One Thousand Pounds* in publick Bills of Credit on this Colony, and that they be Signed by the former Committee, and pass in all publick Payments, as the former Bills of Credit do and have done,

L A W S,

L A W S.

Made and Past by the General Assembly of her Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Twenty Eighth Day of June, 1711.

An Act for Settling Costs at the General Court of Tryals.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That whoever shall Recover the Last and Final Judgment of any Matter, Cause or Thing, that shall be Heard and Tryed at the General Court of Tryals, shall Recover, Have and Receive all Costs that shall be Taxed, during the tending of any such Suit: Any former Custom or Usage to the contrary hereof notwithstanding.

He that recovers the last Judgment, to recover all the Costs in the said Case.

An Act for the Raising of Six Thousand Pounds, in Bills of Credit.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That there be forthwith Imprinted and Raised, the Sum of Six Thousand Pounds of publick Bills of Credit on this Colony, by the former Committee that Signed and Finished the former Bills, who are hereby fully Impowered to Make, Sign, and Finish the same, in the same Form as the former Bills were; which Bills when Signed and Finished, the said Committee shall deliver into the General Treasury, to and for the Use of this Colony; and they shall pass in all publick Payments as the Bills of Credit already Emitted by this Colony do.

Six Thousand Pounds Emitted in Bills of Credit, by this Colony.

L A W S,

L A W S,

Made and Past by the General Assembly of her Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Warwick, the Fourteenth Day of November, 1711.

An Act for Imprinting and Raising Three Hundred Pounds in publick Bills of Credit on this Colony.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That there be forthwith Imprinted and Raised, the Sum of Three Hundred Pounds of Bills of Credit on this Colony, in the same manner and form, as the former Bills of Credit were; the which Bills shall be Signed by the former Committee; and shall pass in payments, as the current Coin in this Colony doth, Specialties only Excepted.

Three Hundred
Pounds of Bills
of Credit
Limited.

L A W S,

Made and Past by the General Assembly of Her Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Twenty Seventh Day of February, 1711.

An Act for laying a Duty on Negro Slaves that shall be Imported into this Colony.

WHEREAS the bringing of Negroes into this Colony, discourages the Importing of White Servants herein, and may in time prove Prejudicial to the Inhabitants, if not timely discouraged.

BE

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same, That every Master of any Ship or Vessel, Merchants or others, that shall Import or bring into this Colony, any Negro Slave or Slaves, of what Age soever, shall enter their Number, Names and Sex, in the Naval Office; and the Master shall Insert the same in the Manifest of his Lading, and shall pay to the Naval Officer in Newport, *Three Pounds* per Head, to and for the Use of the Colony, for every Negro Slave, Male or Female, so Imported or brought in: And if any Master or Merchant, shall refuse or neglect to pay the same, by the space of Ten Days, after such Slave or Slaves shall be Landed in this Colony; that then the Naval Officer on knowledge thereof, shall Recover the same by Action of Debt, in the General Court of Tryals.

All Negro Slaves Imported into the Colony, to be Entred in the Naval Office.

And pay *Three Pounds* each.

AND be it further Enacted, That if any Master of any Ship, or other Vessel, Merchant or others, shall Refuse or Neglect to make Entry as aforesaid, of all Negroes Imported in such Ship or Vessel, or shall be Convicted of not Entering the full Number of such Slaves as shall be Imported; he or they so offending, shall Forfeit and Pay the Sum of *Six Pounds* per Head, for every one that he shall Refuse or Neglect to make Entry of; one Moiety thereof to and for the Use of the Colony, and the other Moiety to him or them that shall Inform and Sue for the same.

Whosoever neglects the same, shall pay *Six Pounds* per Head, for every one so omitted.

AND be it further Enacted by the Authority aforesaid, That whosoever shall bring into this Colony, any Negro Slave or Slaves from any of Her Majesty's Governments adjoining, either by Water or Land, shall in like manner Enter their Number, Names and Sex in the abovesaid Office, under the like Penalty as abovesaid, to be Recovered as aforesaid; and shall Pay into the Naval Office, the like Sum of *Three Pounds* per Head, for every such Slave so brought in, within the time of Ten Days, as above specified, on default of Payment thereof, to be Recovered by the Naval Officer, in manner as aforesaid.

PROVIDED always, that any Person whosoever that is not Resident in this Colony, and shall only pass through the same with a Waiting Man or Men, &c. and shall not Reside herein for above the space of Six Months; then such Waiting Man or Men, &c. shall be free from the abovesaid Duty, such Persons giving their solemn Oath, that they are not for Sale.

AND it is further Provided, That no clause or clauses in the aforesaid Act, shall be Constrained, Deemed or taken to Extend, to any Master or Masters of Ships or other Vessels, that shall Import Negroes into this Colony, directly from the Coast of Africa.

This Act not to Extend to Negroes Imported directly from Africa.

AND be it further Enacted, That the Naval Officer shall take the following Fees, and no more.

Fees for the Naval Officer.

Naval Officers
Fees for the
same.

EVery Slave Imported, to be paid out of the Impost. *l. s. d.* 00 05 00
Entering Manifest, to be paid by the Master. 00 01 00

An Act to prevent the spreading of Infectious Sickness.

WHEREAS Contagious Distempers have been several times brought into this Colony, by the Masters of Ships, and other Vessels, coming into the several Parts of this Colony, from Places that are Infected therewith.

For the preventing whereof for the Future,

No Person having any sick Person on Board, or that come from any place Infected with any contagious Sickness, to Anchor within one Mile of any Landing-place, without a Licence. On the penalty of One hundred Pounds.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That no Master or Commander of any Ship or other Vessel, that shall come into any Port or Harbour of this Colony, and shall in their Passage hereto, have any Person or Persons Sick on Ship-board, with the Small Pox, or any other Contagious Disease, or shall come from any other Port or Place where any Contagious Distemper is brief or prevalent, shall bring to Anchor their Ship or Vessel, in any of the Ports of this Government, within the distance of one Mile of any publick Ferry, Pier or Landing-place; Nor shall any Master of any Vessel or Vessels that are at Anchor therein, Land or suffer any Person or Persons on Board such Ship or Vessel to be Landed, or suffer any Persons to come on Board such Ship or Vessel, without a Licence first had from the Governour of this Colony for the time being, (if they shall Anchor in the Harbour of Newport,) or in his Absence from one or more Justices of the Peace of said Town: And if they shall Anchor in any other Harbour of this Colony, a Licence shall be first had and obtained from some one or more Justices of the Peace of such Town, under the Penalty of Forfeiting One Hundred Pounds, Good and lawful Money of this Colony, to and for the Use of the Colony, to be Recovered by the General Treasurer of the Colony, in the General Court of Tryals of this Colony, by Bill, Plaint or Information, &c. and where the Offender or Offenders herein, shall have no Essoin, Protection, or Wager of Law allowed.

AND

AND be it further Enacted by the Authority aforesaid, That if upon the Arrival of any such Ship, or other Vessel as aforesaid, in any Harbour of this Colony, as aforesaid, any Passenger on Board, or any Mariner thereto belonging, shall and do come on Shore or Land from such Vessel, without a Licence first had and obtained as aforesaid; that then, and in such Cases, it shall and may be Lawful for any Justice of the Peace of such Town, where such Person or Persons shall Land, to Require and Command, and send such Person or Persons so offending, on Board such Vessel again, or to Confine them ashore to any such Place, as to him shall seem convenient, for to prevent the spreading of any Infection; and the Person or Persons so offending, shall answer, satisfy and pay all Charges that shall arise thereon, and shall Forfeit *Twenty Pounds*, good and lawful Money of said Colony, to and for the Use of the Colony, to be recovered as aforesaid.

Whosoever shall Land without Licence, shall be sent on Board again. And shall Forfeit *Twenty Pounds*.

AND if the Offender or Offenders have not Estate sufficient to satisfy and pay the same, they shall be set to Work, by the direction, and at the discretion of the Judges of such Court where such Cause shall be Tryed, until the same be fully satisfied and paid.

And for the better putting this Act in Execution,

BE it Enacted by the Authority aforesaid, That the Naval Officer shall keep this Act publicly set up in his Office, for the view of all Masters of Ships, and other Vessels that shall Enter with him; and the said Naval Officer is hereby Impowered, upon any Information unto him given of any Ship or Vessel Arriving in this Harbour, that hath any Infectious Distemper Aboard, to send on Board of such Ship or Vessel, a Doctor, to examine the Master or others as need shall require, and make return thereof to the Governour, or in his absence, to some of the Assistants, or Justices of the Peace of the Town of *Newport*, that due care may be taken therein; and the Master of such Ship or Vessel, shall pay all charges arising thereon; and if he refuse to pay the same, it shall be Recovered by the Naval Officer, in any Court of Record within this Colony.

How the Naval Officer is to proceed upon Information.

AND be it further Enacted by the Authority aforesaid, That if notwithstanding the abovesaid Precautions to prevent any Infectious Distemper from being brought into this Colony, any person or persons, Passengers, Mariners or Slaves shall be Landed from on Board any Ship, or other Vessel, and shall after being Landed, be taken Sick with the Small-pox, or any other Infectious Distemper; that then and in such Case, it shall and may be Lawful, for any one Assistant, or Justice of the Peace of any such Town where such Case shall happen, to remove such sick and distempered Person or Persons to such convenient Place, as shall to them appear to be necessary, to prevent the

If any sick person happen to be Landed, a Justice, &c. to remove such person, as he thinks fit.

the spreading thereof; and the Person or Persons so removed, if free, shall pay the Charge thereof, which shall be Recovered in any Court of Record within this Colony; by the Person or Persons that shall disburse the same: And if the Persons so removed be Slaves, then the Owners thereof shall pay the same; And if the Slaves are Configned to any Person within the Government, then such Person to whom Configned, shall pay the Charge of the same, to be recovered as aforesaid.

An Act for Quieting Possessions, and avoiding Suits at Law.

WHEREAS at the first Settling of this Colony, and for sundry Years afterwards, Lands were of little or no Value, and skilful Men in the Law were much wanted, whereby many Deeds, Grants and Conveyances were weakly made, which may Occasion great Contests in Law, if not timely prevented.

Ancient
Grants confir-
med.

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same, That all Grants, Charters, Profits, Rights and Priviledges, heretofore Granted and Given by the General Assembly of this Colony, unto any Town, Corporation, Community and Propriety, and to any other Person or Persons, shall be, and they hereby are Ratified and Confirmed to be Good and Effectual to all Intents and Purposes in the Law, for the Granting and Conveying all such Lands, Tenaments, Charters, Corporations, Priviledges as is therein mentioned, to the Persons therein mentioned, and their Heirs and Assigns for ever.

Twenty Years
Possession to
make a Title.

AND be it further Enacted by the Authority aforesaid, That where any Person or Persons, or others, from whom he or they derive their Titles, either by themselves, Tenants, Leases, Hath, Have or shall by the space of Twenty Years, be in the Uninterrupted, Quiet, Peaceable and Actual Seisin and Possession of any Land or Hereditaments within this Colony, for and during the said time, Claiming the same as his, her or their proper, sole and rightful Estate in Fee Simple, such Actual Seisin and Possession, shall be allowed to give and make a Good and Rightful Title to such Person or Persons, their Heirs and Assigns for ever; and this Act being Pleaded in Bar to any Action that shall hereafter be brought for such Lands, Tenaments

ments or Hereditaments, and being duly proved, shall be allowed to be Good, Valid and Effectual in the Law, for Barring the same.

PROVIDED, That nothing in this Act shall be Construed, Deemed or Taken, to Extend to prejudice the Rights and Claims, of such Persons under Age, *Non Compos Mentis*, *Feme Coverts*, or those Imprisoned or beyond Seas, they bringing their Suit therefor, within the space of Ten Years, next after such Impediment is Removed. *Feme Coverts, &c. exempted.*

An Act for granting Administrations to the Wives of Persons Three Years absent, and unheard of.

WHEREAS many Merchants and Mariners, going to Sea on Voyages, are often absent many Years, and unheard of, and leaving no Power of Attorney for Receiving of the Debts, Rents, and Profits of their Estates, their Wives and Families may suffer.

For the preventing whereof for the Future,

BE IT ENACTED by the General Assembly, and by the Authority of the same, That whosoever hath departed, or shall depart out of this Government on a Voyage to Sea or other-ways, and hath left an Estate in this Government, and be unheard of for the space of Three Years, next immediately succeeding such Departure, and leave no Power of Attorney with his Wife, to Receive his Debts, Rents and Profits of such Estate, which he hath within this Government; that then and in such Cases, the Town Council of such Town, where such departed Person last dwelt, upon due Application to them made, by the Wife of such departed Person, are hereby fully Impowered and Authoriz'd, to Grant Administration to the Wife of such departed Person, Enabling and Impowering her to Sue for, Recover the Debts, Rents and Profits of the Estate of such her departed Husband, for the comfortable Subsistence of her self and Children, if any she have, until such time as her departed Husband shall return home, or send sufficient Power of Attorney for the same; or until he shall be Adjudged and Deem'd Dead in Law, and then such her Administration shall cease and determine.

If a Person be three years absent and unheard of, Administration to be granted to the Wife.

L A W S,

Made and Past by the General Assembly of Her Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Sixth Day of May, 1713.

An Act for preventing fraudulent purchases of Land of Ninigret, the Indian Sachem in the Narragansett Country.

WHEREAS Ninigret the Indian Sachem, in the Narragansett Country, on the Twenty eighth Day of March, 1709. did by an Instrument under his Hand and Seal, Covenant and Agree with the Governour and Company of this Colony, that they should have the oversight and care of his Lands, &c. and that he would not Sell, or Hire out any of his Lands, without their consent or approbation, under the Penalty of Forfeiting such Lands by him Sold and Hired; and notwithstanding which several evil minded Persons for the Lucre of Gain, have Craftily and Designedly Cheated the said Sachem of some of his Lands, and of the Profits of his other Lands; so that he has not Sufficient to maintain himself and People upon.

All Grants, Leases, &c. made by Ninigret, since March, 1709. to be void.

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same, That all Deeds of Sale, Deeds of Mortgage, and Leases of any of said Ninigret's Lands, which have been by him made and granted, since the said Twenty Eighth of March, One Thousand Seven Hundred and Nine, to this present Sessions of Assembly, be and they are hereby declared to be Null and Void, and of no Force, Validity and Effect in the Law, to any such Use or Purpose whatsoever.

AND for the Preventing of Clandestine Proceedings for the Future.

BE it further Enacted by the Authority aforesaid, That no Person whatsoever, shall Buy, Purchase or Hire any Lands of the said Ninigret, Sachem, either by Deed of Sale or Mortgage, or Lease, unless they first Have and Obtain, the Assent of the Governour and Company of this Colony, for the time being, under the Penalty of Forfeiting Twenty Shillings per Acre, for every Acre that shall be so Bought, Purchased or Hired,

Hired, to and for the Use of the Colony; to be Recovered by the General Treasurer, in the General Court of Tryals; where no Effoign, Protection, or Wager of Law shall be allowed; and all such Feoffment, Sales, Mortgages and Leases, are hereby declared to be Void, Null and of none Effect in the Law.

No Person to Buy or Hire of Ninigret, on the penalty of Twenty Shillings per Acre.

AND be it further Enacted by the Authority aforesaid, That no Recorder or Town Clerk in this Colony, shall Register or make Record of any such Deed of Sale, Mortgage or Lease, under the Penalty of Fifty Pounds, to be Forfeited to and for the Use of the Colony, to be Recovered as aforesaid, for every such Deed of Sale, Mortgage or Lease, that shall be by him Recorded.

He that Records any such Grant or Lease, forfeits Fifty Pounds.

L A W S,

Made and pass by the General Assembly of Her Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Twenty Fourth Day, of February, 1713.

An Act for preventing Pedlars from Selling of Goods in this Colony.

Repealed.

L A W S,

A L A W.

Made and Pass by the General Assembly of her Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Newport*, the *Fifteenth Day of June*, 1714.

An Act for Establishing a Gunner at Fort-Ann.

One Gunner
to be main-
tain'd at Fort-
Ann.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That there shall be one Gunner kept and maintained in *Fort-Ann*, who shall be allowed *Twenty Pounds* per Annum, and *Twelve pence* for every Vessel outward Bound, for his Performing and Exercising the Duty of a Gunner therein; and that it shall and may be in the Power of the Governour of this Colony, to appoint the Gunner, such as he shall Judge to be best Qualified and Experienced in the Art of Gunnery, &c.

L A W S,

Made and pass by the General Assembly of Her Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Providence*, the *Twenty Seventh Day of October*, 1714.

An Act to prevent Slaves from Runing away from their Masters, &c.

WHEREAS several Negro and Molatto Slaves, have Ran away from their Masters and Mistresses, under pretence of being employed in their Service, and have been transported over the *Ferries*

Ferries out of this Colony, and suffered to pass through the several Towns, under the aforesaid Pretence, to the great Damage and Charge of their Owners, and many times to the loss of their Slaves.

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same, That no Ferry-man, or Boat-man whatsoever, within this Colony, shall Carry, Convey or Transport, any Slave or Slaves as aforesaid, over any Ferry, or out of the Colony, without a Certificate under the Hand of their respective Master or Mistress, or some Person in Commission for the Peace, on the Penalty of *Twenty Shillings*, to be Forfeited to and for the Use of the Colony, to be Recovered upon conviction thereof, before any two Assistants or Justices of the Peace, of such Town where such Offence shall be committed, and shall pay all Costs and Charges that shall arise, on his or their carrying or Transporting any Slave or Slaves as aforesaid, to the Owner thereof, to be Recovered by the Person agrieved thereby, if not exceeding *Forty Shillings*, before any two Justices of the Peace, &c. and if above *Forty Shillings*, at the General Court of Tryals, by Action of Trespas upon the Case. And all His Majesty's Ministers of Justice, and all other his Subjects in this Colony, knowing of any Slave or Slaves Travelling through the Township wherein they Dwell, without a Certificate as aforesaid, are hereby Required to cause such Slave or Slaves to be taken up, Examined and Secured, so as the Owners of such Slave or Slaves may be Notified thereof. and have their Slave or Slaves again, paying the reasonable charges arising thereon.

No Person to Transport any Slave over a Ferry, or out of the Colony, without a Certificate, On the penalty of *Twenty Shillings*, &c.

All Ministers of Justice to take up all Slaves.

L A W S,

Made and Past by the General Assembly of his Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Kings-Town, the Twenty Third Day of February, 1714.

An Act for the Registring Deeds and Conveyances.

FOR the Prevention of Clandestine and Uncertain Sales of Houses and Lands, and to the Intent that it may be the better known what Right, Title, or Interest Persons have in, or to such Estates as they offer to sale.

Conveyances
to be Sign'd
and Seal'd,
Acknowledged
and Recorded.

BE IT ENACTED and Declared by the present Assembly, and by the Authority of the same, That henceforth all Deeds and Conveyances of any Houses or Lands within this Colony, Sign'd and Seal'd by the Party or Parties granting the same, having good and lawful Right or Authority thereto, and acknowledged by such Grantor or Grantors, before any Assistant or Justice of the Peace in the Colony, and Recorded at length in the Registry of the Town where such Houses and Lands do lye, within the space of six Months, from the Date of such Conveyance; every such Conveyance shall be Valid, without any other Act or Ceremony whatsoever.

AND that from and after three Months next after Publication of this Act, no Bargain, Sale, Mortgage, or other Conveyance of Houses or Lands made and Executed within this Colony, shall be good and effectual to hold such Houses and Lands against any other person or persons, but the Grantor or Grantors, or their Heirs only, unless the Deed or Deeds thereof be Acknowledged and Recorded in manner as is express'd.

If the Grantor
dye, &c. be-
fore Acknow-
ledgment be
proved by the
Witnesses.

PROVIDED nevertheless, That when and so often as it shall happen any Grantor to Live in parts beyond the Seas, or to be Removed out of this Colony, or to be Dead before any such Conveyance by him or them made, be acknowledged as aforesaid; in every such Case, the proof of such Deed or Conveyance made by the Oaths of the Witnesses thereto Subscribed, before any Court of Record within this Colony, shall be equivalent to the Party's Acknowledgment thereof.

If the Grantor
refuse to ac-
knowledge the
same, to be
Committed to
Goal.

AND be it further Enacted by the Authority aforesaid, That if any Grantor or Vendor of any Houses or Lands, shall refuse to acknowledge as is aforesaid, any Grant, Bargain, Sale or Mortgage by him, her, or them Signed and Sealed, and being thereto Required by the Grantee or Vendee, his, her, or their Heirs or Assigns, it shall and may be Lawful for any Assistant, or Justice of the Peace, within the Town where such Grantor or Vendor Lives, upon Complaint made, to send for the Party so refusing, and if he, she, or they persist in such refusal, to commit him, her, or them to Prison, without Bail or Mainprize, until he, she, or they shall acknowledge the same; unless he, she, or they shall Appeal to the next General Court of Tryals, in that Case, it being first made appear, and proved to be the Act and Deed of the Party refusing to acknowledge the same, by the Oath of one or more Witnesses thereto Subscribed: And such Grantee or Vendee filing a Copy of his Deed or Mortgage so proved in the Town Clerk's Office, in the Town wherein the Land doth lie, shall thereby secure his Title in the mean time; and the same shall be accounted sufficient caution to every other person and persons, against purchasing the Estate in such Deed mentioned to be Granted.

PRO-

PROVIDED, That nothing in this Act shall be construed, deemed or extended to bar the Widow of any Vendor or Mortgagor of Lands or Tenaments, from her Dower or Right in, or to such Lands or Tenaments, who did not legally joyn with her Husband in such Sale or Mortgage, or otherwise lawful bar, or exclude her self from such her Dower and Right.

No Widow to be barr'd of her Dower by this Act.

AND be it further Enacted by the Authority aforesaid, That any Mortgagee of Lands or Tenaments, his or her Heirs, Executors or Administrators, having received full satisfaction of all, and every such Sum and Sums of Money, as are Really due to him, by such Mortgage, shall at the Request of the Mortgagor, his Heirs, Executors or Administrators, acknowledge and cause satisfaction and payment to be Entred in the Margent of the Record of such Mortgage, in the Town Clerk's Office, where the Land lies, and shall Sign the same, which shall for ever hereafter discharge, defeat and release such Mortgage, and perpetually bar all Actions to be brought thereupon, in any Court of Record.

Mortgagees to Discharge their Mortgages by Record when paid.

AND if any such Mortgagee or Mortgagees, his, her, or their Heirs, Executors or Administrators, shall not within ten Days next after Request in that behalf made; and tender of his, her, or their reasonable Charges, repair to the Town Clerk's Office, and there make and sign such Acknowledgment as aforesaid, or otherwise Sign and Seal a Discharge, and Release and Quit Claim to the Estate therein mentioned to be granted, and acknowledge the same, before any one Assistant, or Justice of the Peace of this Colony; he, she, or they so refusing to do, shall be liable to make good all Damages that shall accrue, for what of such a Discharge or Release, to be Recovered by any Action or Suit in any Court of Record: And in case Judgment pass against the Party so Sued, he, she or they so Cast, shall pay unto the adverse Party, treble Costs arising upon such Suit.

And if they refuse to pay the same, to pay all Damages accruing.

LAWS,

L A W S,

Made and Paſt by the General Aſſembly of His
Majeſty's Colony of Rhode-Iſland, and Providence-
Plantations, Held at Newport, the Fourth Day of May,
1715.

An Act for the convenient Laying out of High-ways
and Roads in the ſeveral Towns within this Colony,
where wanted.

Town Council
to lay out
High ways by
a Jury.

The Jury to
be Engaged.

And agree
with the Pro-
prietors for
the Land.

If they reſuſe
to agree, then
to value the
Land, which
ſhall be paid
by the Town.

BE IT ENACTED by the General Aſſembly, and by the Authority
of the ſame, That the Proprietors of all, and every Town
in this Colony, ſhall with all convenient ſpeed, take care to
Lay out convenient High-ways, and Roads from Town to Town,
and to Market and Mill, &c. within three Months after the Pub-
lication hereof; and in caſe the ſaid Proprietors ſhall reſuſe
or neglect ſo to do, it ſhall, and may be lawful for the Town
Council of each reſpective Town (where ſuch Deſect ſhall be)
to order and appoint a Jury of Twelve, or more, lawful and
Judicious Men who have no particular Intereſt in laying out
the ſame in ſuch Towns where ſuch Deſect is, as ſhall be
found moſt beneficial, for the Intereſt of His Majeſty, and the
Benefit of the Subject, the which Jury ſhall be firſt duly En-
gaged to the true and faithful performance thereof.

AND be it further Enacted by the Authority aforeſaid, That
in caſe it ſhall be found moſt convenient to lay out any Road
or Highway through any particular Perſon's Land or Property,
or part thereof, (who is not under any Obligation to allow
the ſame;) that then the ſaid Jury ſhall agree with the
Owner or Proprietor thereof, what reaſonable allowance ſhall
be made for the ſame.

BUT if the Owner or Proprietor of ſuch Land ſhall reſuſe
to agree with ſuch Jury; then the ſaid Jury is ordered and
Impowered to Eſtimate and Value the Price of ſuch Land as
ſhall be laid out as aforeſaid, as near as they can, to the
beſt of their knowledge; which Eſtimation ſo made, ſhall be
allowed good againſt ſuch Owner or Proprietor, who reſuſes to
agree as aforeſaid, and ſhall be accordingly paid to ſuch Owner
or Proprietor by ſuch Town, out of their Town Treafury;
and alſo all other incident Charges accruing on the perfor-
mance of the ſame. Any Law, Cuſtom or Uſage to the con-
trary hereof notwithſtanding.

An Act, Appointing and Stating Two Juries, to attend the General Courts of Tryals, and General Goal Delivery.

FORAS MUCH as there are many aitional and criminal Cases, that of late Years come upon Tryal, before the General Court of Tryals and General Goal Delivery, and but one Petit Jury to attend said Court; which prolongs the sitting of said Courts very much, and is a great In-conveniency to the Judges, and a great Charge to such Persons as have Actions depending there, before they can be heard and dispatched.

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same, That for the Expediting and Dispatch of Bybusiness for the Future, there shall be two Petit Juries Elested and Appointed, to attend the Respective General Court of Tryals, and General Goal Delivery in this Colony, and the said Juries shall be Improved as the Judges of said Court, shall see cause in all Aitional or Criminal Cases.

Two Juries to attend the General Court of Tryals.

AND be it further Enacted by the Authority aforesaid, That each and every Town in this Colony, shall Elect and send to the aforesaid General Court of Tryals, and General Goal Delivery, their several Numbers of lawful honest Petit Jury-men, as it is hereafter expressed, (That is to say) *Newport Ten, Providence Four, Portsmouth Four, Warwick Two, Westerly Two, New-shoreham Two, Kingstown Two, East-Greenwich Two, and Jamestown One*; which Jury shall be Elested by each respective Town, according to their Usual Custom; and the said Jury-men so Elested, shall attend the Respective Courts, for which chosen.

Each Town's Quota of Jury-men.

AND be it further Enacted by the Authority aforesaid, That if any Jury-man chosen and elected as aforesaid, shall Refuse and Neglect to make his Personal Appearance at such Court, on the first Day of the sitting of such Court, shall Pay as a Fine, *Thirteen Shillings and four pence*, for such his defect, unless the Judges of such Court shall think fit to Remit the same.

A Jury-man's Fine upon neglect of Appearance.

AND it is further Enacted by the Authority aforesaid, That the General Recorder shall from time to time, keep a fair Record of all such Jury men, as shall not appear at the respective Courts, and so many of them as shall not have their Fines Remitted as aforesaid, he shall at the breaking up of such Court, return a List of their Names to the Sheriff, who is hereby Required before the next Court, to take and receive the said Respective Fines; and in Case any of the said Persons shall Refuse to pay said Fine on Demand, the Sheriff shall then make Distraint

The Recorder to return all Delinquents to the Sheriff, who is to Collect the Fines

Fines how
disposed of.

traint upon the Personal Estate of the Person so Refusing or Neglecting, to the Value of such Fine, and the Charges thereupon accruing, or like to accrue, which Goods distrained are to be disposed of, in manner as other Distresses, and by the Laws of this Colony, for the satisfying such Fine and Charges, and the Overplus if any, to be returned to the Person distrained on; the one Moiety of such Fines to be and remain to the Sheriff, for his Service therein, and the other Moiety to be disposed of by the Court where such default was made, for defraying the Incident Charges of said Court, and Account of all Fines so Received or Levied by the Sheriff with his proceedings thereupon, shall be by him duly rendred to the next succeeding Court, together with the Moiety of such Fines unto said Court belonging.

L A W S,

Made and Pass by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, by Adjournment, July the Fifth, 1715.

An Act for Emitting Thirty Thousand Pounds in publick Bills of Credit.

WHEREAS it hath pleased GOD to suffer the French and Indians, our late Enemies, to maintain a long, bloody and expensive War against His Majesty's Subjects in these parts of the Northern America; in which calamity of War, this Colony hath been no small sharer, a great part thereof lying exposed to the Insults and Depredations of the Enemy both by Sea and Land, which to defend this His Majesty's Colony, hath from time to time, for this many Years past been put to great Charge and Expence, which together with the extraordinary additional Charge that accrued by Her late Majesty's Commands, to assist in sundry expeditions, for the Reducing of Port-Royal and Canada, the defraying the Charge whereof proved so great a Burthen, that it hath Reduced the Money of this Colony, and other Mediums of Exchange unto a very low Ebb, that thereby Trade is sensibly Decayed, the Farmers thereby Discouraged; Husband-
men

men and others Reduced to great Want, and all sorts of Business Languishing, few having wherewith to pay their Arrears, and many not wherewithal to sustain their daily wants, by reason the Silver and Gold in the first place, necessary to defray the Incident and Occasional Charges hath been exhausted; those few Bills of publick Credit put forth by this Government falling short of discharging this Colony's Arrears, hath left us little or no Medium of exchange; and whereas the annual, necessary and unavoidable Charge of the Colony makes a considerable accout, and that His Majesty's Fort, called Fort Anne is gone much to Decay, and almost every thing therein out of Repair, and that all sorts of Ammunition and Stores are wanting, to furnish the same for Defence; especially at a time when War seems to threaten us. And also His Majesty's Goal in the Metropolis of this Government, is calling for speedy and considerable Repairs and Enlargement, and many other publick Emergencies, which cannot be omitted, Requiring considerable Sums of Money, which to effect their is no possibility in View, saving that of Emitting Publick Bills of Credit of this His Majesty's Colony, to accomplish the ends aforesaid, and to Reduce the Arrears thereof unto a Ballance, always depending on our Dread Sovereign's Countenance and Toleration therein, unto whose Royal Commands this Colony, as in Duty Bound will at all times readily submit.

All which being duly considered,

BE IT THEREFORE Enacted by the General Assembly of this His Majesty's Colony of Rhode-Island, and by the Authority of the same; and it is hereby Enacted, That the Sum of Thirty Thousand Pounds in Bills of publick Credit, of the same Tenor with those already put forth by this His Majesty's Colony, be forthwith made, and put into the Hands of six Trustees, hereafter named and appointed in this present Act, with full power to Act therein; which Trustees, or any three of them, are hereby Impowered, to Sign said Bills, and them to deliver unto the Persons chosen for Committees of the severall and respective Towns in this Colony; the said Trustees taking Receipts from the said Committees, for such Sums as shall be by them received, as the proportion of such Town; which said Bills, being by such Committee receiv'd the same, is to be Let out to the Inhabitants of their respective Towns in this Colony, in good and sufficient Land or other real Security within the said Towns, at Five Pounds per Cent per Annum, in Sums not Exceeding Five Hundred Pounds, nor under Fifty Pounds to any one Person, and that for the space of Ten Years. Always Provided, That all such Persons that shall take said Bills upon such Security, shall at the Expiration of Five Years from the Date of their Deed of Mortgage, or other Assurance, renew the same; or give any further, and other better Security for the continuation of any such Sum by them borrowed for the remaining Five Years; if by the Trustees, then for the time being, such Person shall be thereunto Required, and that Persons so borrowing the said Bills, shall before receiving of the same,

Thirty Thousand Pounds
Emitting.

Trustees appointed for
the same.

And to be
hired out at
Five per Cent,
upon Land Security, for ten
Years.

Bond to be
given for In-
terest.

The Mortgages
taken, to be
Recorded.

To be made
to the Trustees
&c. for the
Colony's Use.

same, give five Bonds payable to the General Treasurer of this Colony for the time being, to the use of this Colony, for the orderly and duly payment of the first Five Years Interest: And if any such Person, at the Expiration of the Five Years, shall see cause to pay down the Principal, and Discharge the Interest in like publick Bills of Credit, or current Money of said Colony; upon his or their so doing, such Mortgage or Security shall be released and delivered up, and the Lands, or other real Estate so Mortgaged or Engaged, discharged therefrom. And the said Trustees and Committees for the several Towns, are hereby required, carefully to inspect into the true value of such Estates as shall be offer'd to Mortgage, and that they be of double the value of the Sums Lent thereupon; and whether the Title of the Person desiring to Mortgage his Lands, &c. appears to be good by the Town Records, where such Land or real Estate lies, and that no Encumbrance be thereupon, which appearing good and satisfactory, such Mortgages to be taken by the Committee of the several Towns as aforesaid, and forthwith at the Charge of the Mortgager, be put upon the Records of such Town where such Estate lies; and the said Deeds of Mortgage afterwards with all convenient speed, together with the Bonds for payment of the Interest, be Lodged in the Custody of the Trustees for the time being, for the Use of this Colony, they giving Receipts for the same, to the Committee of the several respective Towns, upon delivery of the same, the said Trustees to be always accountable unto the General Assembly of this His Majesty's Colony for the time being, for all such Mortgages and Bonds, together with the Profits thereof, the which they shall surrender up to the General Assembly of this Colony, when by them they shall be thereunto Required; And that all Mortgages made, or to be made as a Security for the Bills so borrowed to be to the first Trustees, and such others as shall from time to time be appointed by the General Assembly of this Colony.

The first Trust-
tees appointed.

Committees
appointed to
Let out each
Town's Quota.

AND be it further Enacted by the General Assembly, and by the Authority of the same, That Lieutenant Collonel John Wanton, Captain Job Almy, Major Nathaniel Coddington, Captain Benjamin Ellery, Major James Brown, and Mr. Robert Gardner, be, and they hereby are appointed and chosen to be the Six first Trustees, and them, or any three of them, shall Sign all such Bills as shall be made as aforesaid; and the aforesaid Six Trustees are hereby appointed to be the Committee for the Town of Newport, to Let out, and take Security for their proportion of said Publick Bills of Credit afore-described in this Act. And the Honourable Joseph Jencks, Esq; Deputy Governour, and Captain Richard Waterman, be a Committee for the Town of Providence, to Let out their proportion of said Bills, and that Mr. Thomas Cornell, and Mr. George Cornell, be a Committee for the Town of Portsmouth, to Execute said Trust; and Major Randal Hoaldon, and Major Job Green, be a Committee the said Trust for the Town of Warwick; Captain John Babcock, and Captain Joseph Stanton, be a Committee to Execute said Trust, for the Town of Westerly; Captain Simon Ray, and Captain John Sands, be a Committee to Execute said

said Trust, for the Town of *New-Shoreham*, Captain *John Eldred*, and Mr. *Stephen Hafsard*, be a Committee to Execute said Trust for the Town of *Kingstown*, Major *Thomas Fry*, and Mr. *Thomas Spencer*, be a Committee to Execute said Trust for the Town of *East Greenwich*; and that Mr. *John Hull*, and Captain *Nicholas Carr*, be a Committee to Execute said Trust for the Town of *James-Town*. All the aforesaid Committees shall be under Oath for their due and faithful performance of the Trust reposed in them, in the Premises aforesaid, & shall be allowed and paid for their Service therein, *Ten Shillings* on every *Hundred Pounds* by them Let out, to be divided amongst them, as followeth, (*viz.*) two thirds of the whole amount unto the first Six Trustees afore-named, together with a proportionable part of the third part allotted to be divided with the other Committees, for their care and trouble in Receiving and Signing, and Letting the Town of *Newport's* proportionable part of said Bills; and delivering the remainder to the Committees of the several Towns in proportion to such Money, as shall be by them Let out.

AND be it further Enacted by the Authority aforesaid, That the publick Bills of Credit to be Emitted by this Colony, shall be made and finished according to the several Sums and Values hereafter mentioned, *viz.* Of Five Pound Bills, Ten Thousand, Four Hundred and Five Pounds; of Three Pound Bills, Six Thousand, two hundred and forty three Pounds; of Forty Shilling Bills, four thousand, one hundred and fixty two Pounds; of Twenty Shilling Bills, two thousand and eighty one Pounds; of Ten Shilling Bills, two thousand, five hundred and six Pounds; of Five Shilling Bills, one thousand two hundred and fifty three Pounds; of Four Shilling and Six-penny Bills, one thousand three hundred and fifty Pounds; of Three Shilling Bills, nine hundred Pounds; of Two Shilling and Six-penny Bills, seven hundred and fifty pounds; and of One Shilling Bills, three hundred Pounds; being in the whole, Thirty Thousand Pounds; which Bills shall not be Pasted, Covered or Lin'd on the back-side, on any pretence whatsoever. And the said Trustees are as soon as possible to Sign the aforesaid quantity of Bills, and to make them of divers Forms and Distinctions, as much as possible may be to prevent Counterfeiting; and the Charges of the same to be reimburs'd out of the General Treasury of this Colony.

The quantity and Denominations of the several sorts of Bills.

AND be it further Enacted by the Authority aforesaid, That if the Inhabitants of any Town in the Colony, do not within three Months, after their Committee has received their proportion of the aforesaid Bills, take it up and improve it according to the intent and purport of this Act, that they may Let it out to any Persons in the Colony, upon good Security as aforesaid, or return it to the Grand Committee, whose Receipts shall be their Discharge.

One Thousand
Pound of old
Bills to be
Annually Sunk
with the Inter-
est of the New.

AND be it further Enacted by the Authority aforesaid, That One Thousand Pound out of the Interest of Thirty Thousand Pounds to be Let out, be Annually improved for the Sinking of One Thousand Pounds of our old Bills of Credit formerly Emitted by the Colony, until the whole be Consumed, and the aforesaid Grand Committee are hereby Impowered to Exchange the Sum of One Thousand Pounds Annually of our own Bills of Credit, in order to be burnt, until they be wholly sunk as aforesaid, and the remaining part of the Interest of the aforesaid Thirty Thousand Pounds, shall be annually Disposed of for the Interest of the Government, as the Assembly shall from time to time order and direct.

The General
Treasurer's
Power of Ar-
resting the
Obligors.

AND be it further Enacted by the Authority aforesaid, That the General Treasurer of this Colony for the time being, shall have the same benefit and liberty to Arrest each respective Obligor, as the General Treasurer hath against each respective Constable, upon default of paying the General Tax or Rate to him Committed.

An Act, Prohibiting the Importation, or bringing into this Colony, any Indian Slaves.

WHEREAS Divers Conspiracies, Insurrections, Rapes, Thefts, and execrable Crimes have been lately perpetrated in this, and the Neighbouring Governments by Indian Slaves, and the daily increase of them in this Government, discourages the Importing of White Servants from Great Britain, &c, into the same, which if not immediately Remedied, may prove very Pernicious and Destructive to the Colony.

All Indian
Slaves Imported
into the
Colony, to be
Forfeited, un-
less Bond be
given for their
Transportation.

BE IT THEREFORE Enacted by this Assembly, and by the Authority of the same, That from and after three Months next ensuing the Publication of this Act, all Indians, Male or Female, of what Age soever, Imported into this Colony by Sea or Land, from any part or place whatsoever, to be disposed of, Sold or left within this Colony, shall be Forfeited to this Colony, to and for the Use and Support of the same, Unless the Person or Persons Importing or bringing in such Indian or Indians, shall give Security at the Secretary's Office of Fifty Pounds per Head, to transport and carry out the same again, within the space of one Month next after their coming in, not to be return'd back to this Colony.

AND

AND every Master of any Ship or other Vessel, Merchant or Person whatsoever Importing or bringing into this Colony, by Sea or Land, any Indian or Indians, Male or Female, within the space of Twenty four Hours, next after their Arrival or coming in, shall Report or Enter their Names, Number and Sex, and give Security in the Secretary's Office as aforesaid, on pain of Forfeiting to the Colony, the Sum of *Fifty Pounds* per Head, to and for the Use of the Colony; to be Sued for, and Recovered by the General Treasurer of this Colony for the time being, in any of His Majesty's Courts of Record, by Action, Bill, Plaint, Suit or Information. And the Fee to be paid for such Entry and Bond as aforesaid, shall be *Two Shillings* and *Six-pence* and no more. Any Act or Acts, Clause or Clauses of Acts to the contrary hereof notwithstanding.

All Masters to report the Number, &c. of the Slaves by them Imported, into the Secretary's Office, on penalty of *Fifty Pounds* per Head.

Secretary's Fee

L A W S.

Made and pass by the General Assembly of His Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Warwick*, the *Twenty Sixth Day of October*, 1715.

An Act for raising and Emitting *Ten Thousand Pounds* in publick Bills of Credit on this Colony.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That there be forthwith Imprinted and Signed, the Sum of *Ten Thousand Pounds* in Bills of Credit in this Colony, by the former Committee who Signed the *Thirty Thousand Pounds* Emitted by this Colony, and by them to be delivered to the Committees of the several Towns in proportion as aforesaid, to be hired out upon good Security, as the *Ten Thousand Pounds* aforesaid is, the said Bills to pass in all publick Payments as the other Bills are and do pass.

Ten Thousand Pounds Emitted. And hired out.

AND be it further Enacted by the Authority aforesaid, That every Person or Persons whatsoever within this Colony, that have hired any Bills of Credit of this Colony, and by their Obligations are Obligated to pay in the same specie again, shall be discharged from their said Obligations, they paying the same in current Money of *New-England*.

L A W S,

A L A W,

Made and Pass by the General Assembly of his Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Second Day of May, 1716.

An Act, Regulating the Maintainance of Ministers within this Colony.

WHEREAS in the Fifteenth Year of the Reign of His Gracious Majesty, Charles the Second, there was a Charter granted to this His Majesty's Colony, in which contained many gracious Priviledges for the Incouragement and Comfort of the Inhabitants thereof; amongst others that of free liberty of Conscience in Religious Concernment, being of the most Principal, it being a Moral Priviledge due to every Christian, as by His said Majesty is observed, that true Piety rightly grounded upon Gospel principles, will give the best and greatest security to Sovereignty, and will lay in the Hearts of Men, the Strongest Obligations to true Loyalty. And this present Assembly being sensible by long experience, that the aforesaid Priviledge, by the good Providence of GOD, having been continued to us, has been an outward means of continuing a good and amicable Agreement amongst the Inhabitants of this Colony; and for the better continuance and support thereof, as well as for the timely preventing of any and every Church, Congregation and Society of People, now Inhabiting, or which shall hereafter Inhabit within any part of the Jurisdiction of the same, from endeavouring for Prebeminence or Superiority one over the other, by making Use of the Civil Power, for the enforcing of a Maintainance for their Respective Ministers.

No Minister to be maintained otherwise, than by free Contribution.

BE IT ENACTED by this present Assembly, and by the Authority of the same, That what Maintainance or Sallery, may be thought needful or necessary by any of the Churches, Congregations or Society of People now Inhabiting, or that hereafter shall and may Inhabit within the same, for the Support of their respective Minister or Ministers, shall be raised by free Contribution, and no other ways.

L A W S,

A L L A W,

Made and Pass by the General Assembly of his Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Providence, the Thirty first Day of October, 1716.

An Act for the better settling the Payment of Officer's Fees, at the General Court of Tryals.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That all Persons whatsoever, whether Plaintiff or Defendant, that shall at the General Court of Tryals, Recover or Obtain Judgment of said General Court of Tryals, he, she, or they so Recovering or Obtaining Judgment, shall Pay to the Recorder all Officer's Fees due in said Case, before he, she, or they shall have his or their Bill of Costs Taxed; any Act or Acts, Clause or Clauses of Acts to the contrary hereof, in any ways notwithstanding.

He that Obtains Judgment, to pay Costs.

C c LAWS,

A L A W,

Made and Past by the General Assembly of his Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Newport*, the Second Day of *May*, 1716.

An Act, Regulating the Maintainance of Ministers within this Colony.

WHEREAS in the Fifteenth Year of the Reign of His Gracious Majesty, Charles the Second, there was a Charter granted to this His Majesty's Colony, in which contained many gracious Priviledges for the Incouragement and Comfort of the Inhabitants thereof; amongst others that of free liberty of Conscience in Religious Concernment, being of the most Principal, it being a Moral Priviledge due to every Christian, as by His said Majesty is observed, that true Piety rightly grounded upon Gospel principles, will give the best and greatest security to Sovereignty, and will lay in the Hearts of Men, the Strongest Obligations to true Loyalty. And this present Assembly being sensible by long experience, that the aforesaid Priviledge, by the good Providence of GOD, having been continued to us, has been an outward means of continuing a good and amicable Agreement amongst the Inhabitants of this Colony; and for the better continuance and support thereof, as well as for the timely preventing of any and every Church, Congregation and Society of People, now Inhabiting, or which shall hereafter Inhabit within any part of the Jurisdiction of the same, from endeavouring for Prebeminence or Superiority one over the other, by making Use of the Civil Power, for the enforcing of a Maintainance for their Respective Ministers.

No Minister to be maintained otherwise, than by free Contribution.

BE IT ENACTED by this present Assembly, and by the Authority of the same, That what Maintainance or Sallery, may be thought needful or necessary by any of the Churches, Congregations or Society of People now Inhabiting, or that hereafter shall and may Inhabit within the same, for the Support of their respective Minister or Ministers, shall be raised by free Contribution, and no other ways.

L A W S,

A2 W A W,

Made and Paſt by the General Aſſembly of his Ma-
jeſty's Colony of Rhode-Iſland, and Providence-Planta-
tions, Held at Providence, the Thirty firſt Day of
October, 1716.

An Act for the better ſettling the Payment of Officer's
Fees, at the General Court of Tryals.

BE IT ENACTED by the General Aſſembly, and by the Autho-
rity of the ſame, That all Perſons wharſoever, whether
Plainiff or Defendant, that ſhall at the General Court of
Tryals, Recover or Obtain Judgment of ſaid General Court of
Tryals, he, ſhe, or they ſo Recovering or Obtaining Judgment,
ſhall Pay to the Recorder all Officer's Fees due in ſaid Caſe,
before he, ſhe, or they ſhall have his or their Bill of Coſts
Taxed; any Act or Acts, Claufe or Clauſes of Acts to the
contrary hereof, in any ways notwithstanding.

He that Ob-
tains Judg-
ment, to pay
Coſts.

Cc LAWS,

L A W S

Made and past by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport by Adjournment, June the Eighteenth, 1717.

An Act for the Explanation of, and in Addition to an Act Past by the General Assembly of this Colony, begun and held at Newport by Adjournment, the Twenty Seventh Day of February, 1711, 12. Entituled, *An Act for Granting of Administration to the Wives of Persons Three years absent, and not heard of.*

WHEREAS the aforesaid Act of Assembly, hath by experience been found very Beneficial and Useful to the Wives of such Seafaring Persons and others, as have departed out of this Colony, and not heard of in Three Years after Departure, without leaving a good and sufficient Power of Attorney, with any Person or Persons, for the due Recovering and Management of their Estates both Real and Personal in their absence; but the said Act not being so full and extensive as hath since been found necessary in such like Cases, for the further enlargement and explanation thereof, and in addition therunto.

If a Person be absent three Years unheard of, his Wife, or other Relations shall have Administration granted.

IT IS FURTHER Enacted by the General Assembly of this Colony, and by the Authority of the same, That in case any Person being an Inhabitant of this Colony, hath, or shall depart out of the same, being Entitled unto, or leaving any Estate, either Real or Personal, within the Limits thereof, unto such Persons belonging or appertaining, and hath not, or shall not at his Departure leave a good and sufficient Power or Letter of Attorney, with some Person or Persons for the due care, recovering, management, and orderly Disposal of the same; or in case such Attorney or Attorneys by him left shall Die, whereby the said Power shall be determined; and after his Departure, hath not, or shall not be heard of and from, within the space of Three Years then next immediately succeeding such his Departure; that then, and in such case, it shall and may be lawful, upon the due application of the Wife or Children, or other Relations or Friends of such Persons so Departed, unto the Town-Council of such Town in the said Colony where such Persons were last an Inhabitant,

habitant, or did Dwell, for the said Town-Council, who are hereby Impowered, upon due and satisfactory proof thereof to them made, to Grant, Authorize and Impower the Wife of such Person, if any he hath; or in case he hath none, then such Person or Persons as they shall think meet and proper, for and in the name, and to the Use, Benefit and Behoof of such Departed Person to enter into, Demand, Sue for, Recover, Possess and Improve all such Lands and Houses, or other Real Estate whatsoever, as at the Departure of such Person unto him of right did any ways belong or appertain; and also all such personal Estate whatsoever, consisting either in Leases, Rents, Goods, Chattels, Debts, or otherwise, as at the time of such Departure shall be left by him, to Ask, Sue for, Recover, Receive and Discharge, as fully and effectually in Law, as if such Departed Person had himself left a good and sufficient Power of Attorney to such Ends and Purposes.

PROVIDED always, and it is the true Intent and Meaning of this Act, That each respective Town-Council shall upon their Granting such Power and Authority as aforesaid, take good and sufficient Security by Bond, to be given joyntly and severally by two Freeholders of this Colony, together with the Person or Persons unto whom they shall Grant such Power as aforesaid unto the Town-Council, and to their Successors, for his and their true and faithful acting and doing therein, according to the Power thereby given, for the Benefit and Use of such Departed Person; and to render unto him a just and true Accompt at his Return to this Colony, or to any Person or Persons by him Impowered, to demand the same, when lawfully thereunto Required; and that in case such Departed Person shall after such his Departure be by reason of his long absence, or other due proof, deemed and adjudged Dead in Law before his Return to this Colony, then to render unto the Heirs, Executors, Administrators or Assigns of such Departed Person, such Estate, both real and personal, as by Law shall become their, or either of their just Dues and Rights respectively to have and enjoy.

Town Council
to take sufficient
Bond, for
their faithful
Administra-
tion.

AND be it further Enacted by the Authority aforesaid, That in case such Departed Person shall leave any Child, or Children, or other Relation or Person, the Charge of whose Education and Maintainance by Law shall be Incumbent or Obligatory upon him; that then, and in such case, the Person or Persons so Authorized and Impowered by the Town Council as aforesaid, shall and may with the consent and approbation of such Town Council, Lay out, and Expend out of the Estate of such Person Departed as aforesaid, for the Maintainance and Education of such Child or Children, or other Relation; the charge of whose Maintainance or Education was Incumbent or Obligatory upon such Departed Person, such Sum or Sums of

The Adminis-
trators to
maintain by
consent of the
Council, such
Persons as the
Departed Per-
son was oblig-
ed to.

of Money as shall be by such Town-Council thought needful and convenient, which shall be allowed him in any Accompt afterward to be Adjusted.

An Act Enabling and Appointing Overseers to Lease out the Lands of Ninigret the Sachem in the Narragansett Country.

WHEREAS Ninigret, Sachem, in the Narragansett Country, of Rhode-Island, &c. Hath Petitioned this Assembly, to appoint three Overseers to Oversee and Rent out his Lands, to prevent his being Defrauded therein, and has also desired this Assembly, to dispossess all those that shall refuse to Hire of his Overseers who shall be appointed by the Governour and Company of said Colony, for the time being; and also in case he shall have need to Sell any of his Lands, that he may by the said Governour and Company, for the time being, be assisted therein.

For the complying with which Petition, and for the better Securing the said Sachem's Lands and Profits,

Overseers appointed to Lease out Ninigret's Lands.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That Col. William Wanton, Major Thomas Fry, and Captain Joseph Stanton be, and they hereby are appointed Overseers, to Oversee and Lease out the said Sachem's Lands, as shall to them seem most conducive for the said Sachem's Interest. And they, or any two of them are hereby Impowered to dispossess all and every Person that now is, or hereafter shall be in the possession of any of the said Sachem's Lands, and shall refuse to agree, comply and hire said Lands, at such Rents and Services as by them, or the major part of them shall be found most beneficial for the said Sachem's Interest, they not Granting any Lease for any longer Term than seven Years, the said Sachem to pay the Charge thereof, and the said Overseers to render an Accompt of, and surrender up their Trutt to the General Assembly, when thereunto Required.

L A W S,

Made and Past by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Begun and Held at Warwick, the Thirtieth Day of October, 1717.

An Act in Addition to an Act, past by the General Assembly of this Colony sitting at Newport, the Thirty first Day of October, 1677. Entituled, *An Act for Granting Re-hearings from one General Court of Tryals to another, and for the better support and defraying the Charges of the Judges of such Courts.*

WHEREAS the aforesaid Act for the granting of Rehearings in additional Cases, being in general terms (to wit) that the Plaintiff and Defendant, shall each of them have one Rehearing, if desired, without any Limitation or explanation; so that Rehearings have been frequently Insisted upon by the Defendant, upon a Nihil dicit, Default, Bonds Obligatory, and so forth; and many have been granted upon the aforesaid Act in such Cases as aforesaid, which tends to the general Obstruction of Justice, by keeping of Creditors out of their just Dues,

For the better Regulation whereof,

BE IT ENACTED by the General Assembly, and by the Authority of the same, That from and after the Publication of this Act, no Rehearing shall be granted upon any *Nihil dicit*, arising for want of Answers being duly Filed in the Recorder's Office; nor upon any wilful Defaults, unless the Defendant shall by good and satisfactory Evidence, prove to the Court either before or upon Rendering Judgment, that such *Nihil dicit* or Default, was Occasioned by Sickneis, Stormy Weather, or other such Providential Obstruction of the Defendant or his Attorney, as shall be by the Judges of such Court allowed of, nor shall a Rehearing be granted upon any Judgment obtained upon a Bond Obligatory duly proved, unless the Defendant give in good and sufficient Security, to the satisfaction of the Judges of such Court, thenceforward to pay double Costs and double Interest

No Re-hearing
upon Nihil dicit, &c.

to the Plaintiff, in case he shall not obtain a Reversal of said Judgment, on such Rehearing by him to be prosecuted.

The Party Re-
hearing to pay
Seven Shillings
and Six pence.

AND be it further Enacted by the Authority aforesaid, That upon granting every Rehearing, the party desiring the same, shall pay to the Clerk of such Court, the Sum of *Seven Shillings and Six pence*, Currant Money. Any Act or Acts, Clause or Clauses of Acts to the contrary hereof notwithstanding.

L A W S.

Made and pass by the General Assembly of His Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, in *New-England*, Begun and held at *Newport*, the Seventh Day of *May*, 1718. and continued by Adjournments to the Ninth Day of *September* following.

Repeal'd.

An Act to prevent *Indians* being Sued for Debt.

An Act for the Repealing several Laws relating to the Militia within this Colony, and for further Regulation of the same.

WHEREAS the Body of Laws for Settling and Regulating of the Military Forces within this Colony, are increased to so great Number by reason of the many Wars, which from time time this Colony hath so engaged in against French, Indians and other Enemies, which hath rendred many of them Useless, and may be for the Future prejudicial, if not Repealed.

BE IT THEREFORE Enacted by the General Assembly of this Colony, and by the Authority of the same; and it is hereby Enacted, That all Acts heretofore made, relating to the Militia,

or appointing Officers of the same, Be hereby and are Absolutely Repealed and Declared Null and Void, and that for the future the following Order, Regulation and Rules relating to the same, be kept and observed by all Persons in this Colony.

First, *It is Enacted and appointed*, That all Male Persons Residing for the space of three Months within this Colony, from the Age of Sixteen, to the Age of Fifty Years, shall bear Arms in their Respective Train-bands or Companies where to by Law they shall belong, Excepting only all Persons that shall have Served in the place of General Officers, Justices of the Peace, or other Commission Officers, one Minister or Teacher of each respective Congregation in each respective Town, all Sworn Practitioners in Chirurgery and Physick, all Apothecaries and School-masters, and also one Miller to each Grift Mill, one Ferry-man to each stated Ferry, one Goaler to each of His Majesty's Goals in the Colony, and all those that have lost one of their Eyes, or disabled by Lameness, and all Persons that are under Oath or Engagement to any Office.

All Persons to Train, from Sixteen to Fifty. These only excepted.

AND *it is hereby Declared and Enacted*, That the Governour of this Colony for the time being, shall be the Captain General and Commander in Chief; of and over all the Military Forces within this Colony, and the Deputy Governour for the time being shall be Lieutenant General of the same.

Captain General, and Lieutenant General appointed.

AND *be it further Enacted by the Authority aforesaid*, That for the better Ordering and Training up the Inhabitants of this Colony, the several Companies or Train-bands, shall remain in the Stations, Bounds and Divisions, by the which they have been heretofore Divided, Known and Distinguished, until some further or new Divisions or Bounds be Stated, Appointed or Limited by lawful Authority.

The Militia divided into Companies.

That is to say, Three Companies in the Town of Newport, Three Companies in the Town of Providence, one Company in the Town of Portsmouth, one Company in the Town of Warwick, two Companies in the Town of Westerly, one Company in the Town of Newshorem, two Companies in the Town of Kingstown, one Company in the Town of East-Greenwich, and one Company in the Town of James-Town.

Vide late Act.

AND *be it further Enacted by the Authority aforesaid*, That the Militia of this Government be, and it is hereby divided into Two Regiments. *That is to say*, The Militia of Rhode-Island, New-Shorem, alias Block Island, Conanicut, Prudence and Patience-Island be one Regiment, and shall be the first and Eldest Regiment; and the Militia on the Main-Land in this Colony, shall be one other Regiment, and shall be the second and youngest Regiment; each of which Regiments shall be Govern'd, Guided and Led by one Collonel, one Lieutenant Col-

And into two Regiments. Each Regiment to be Led by one Collonel, Lieutenant Collonel and Major to be appointed by the Assembly.

lonel,

Each Company to have one Captain, Lieutenant, Ensign, &c. appointed by the Assembly. *Vide late Act.* The Governour's power to appoint Officers if they Die.

lonel, and one Major, which shall be Annually Chosen for each Regiment by the General Assembly of this Colony, during their Sitting on the First *Wednesday* of *May* annually; and that each Company or Trained Band in each of the aforesaid Regiments, shall be Guided, Conducted and Led by one Captain, one Lieutenant, and one Ensign; who shall annually be Elected and chosen by the General Assembly of this Colony, during their Sessions on the First *Wednesday* of *May* annually; all which Military Officers so chosen as aforesaid, shall be Commissionated by the Governour of the Colony for the time being, under the Seal of the Colony: And if any Collonel, Lieutenant Collonel, Major, or other Commission Officer chosen as aforesaid, shall refuse to Serve in such Office, to the which he shall be chosen, or shall happen to Die; that then and in such cases, it shall and may be lawful for the Governour, or in his absence, for the Deputy Governour, by and with the consent of the General Council, at any time when the General Assembly shall not be Sitting, to choose and appoint so many other Officers to Serve in the room and stead of those that shall refuse or Die as aforesaid, until the first *Wednesday* of *May* next ensuing such choice and appointment; the which Officers so chosen, shall be Commissionated as above said; and before any Military Officer shall enter upon the Execution of his Office, he shall take the following Oath or Engagement.

The Form of the Engagement of Military Officers.

The Engagement of Military Officers.

YOU A. B. Being by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Chosen and Elected unto the Place and Office of *of* Do solemnly Swear true Allegiance unto His Majesty, King George, His Heirs and Successors to bear, and also good Fidelity to this His Majesty's Colony, and the Authority therein established, according to our Charter. And you do also further Engage, well and truly to execute the Office of *to the which you are* Elected according to your Commission, and to perform and observe all the Laws made and provided for the support, and well ordering of the Militia, without partiality; and that you will observe and follow such Orders and Instructions as you shall from time to time receive from your Superiours. So help you God.

The Captain, &c. of each Company to appoint Inferiour Officers.

AND be it further Enacted by the Authority aforesaid, That it shall and may be in the Power of a Captain, Lieutenant and Ensign, of each respective Company, to nominate and appoint a Clerk, and all other Inferiour Officers as shall be requisite for the management of their respective Company, the which Clerk so chosen, shall be under Oath or Engagement, for the performance of his said Office, and the Captain of each

each Company is hereby Impowered and Required, to administer the same; the which Oath shall be in the Form following.

YOU A. B. Do solemnly Swear well and truly to perform and execute the Office of Clerk of the Company, or Train'd-Band, under the Command of C. D. to the utmost of your skill and ability, without partiality, according to the Laws of this Colony, which relate to your Office. So help you God.

The Clerk's Engagement,

AND be it further Enacted by the Authority aforesaid, That every Listed Soldier of the said Militia, shall be always provided with one good Musket, or Fuzee, the Barrel whereof not to be less than three foot and an half in length, to the satisfaction of the Commission Officers of the Company; also one pound of good Gunpowder, thirty Bullets, fit for his Gun, six good Flints, fit for Service; one good Sword, or Baionet, a Cartouch Box, ready filled with Cartridges of Gunpowder and Bullets, on the penalty of *Three Shillings*, for each time he shall be found not provided as aforesaid; the which shall be Distrained by the Clerk of the Company, by Warrant from the Captain of said Company, and *Six pence* more for such Distrain, upon the Goods and Chattels of such defective Person, to and for the use of such Company.

The Accountment of the Militia. Who-soever neglects the same, shall pay *Three Shillings*. To be taken by Distrain.

Vide late Act.

AND be it further Enacted by the Authority aforesaid, That the Captain of each respective Company or Train'd-band, or in his absence the next Superiour Officer, shall lawfully Warn and Call together the Company under his Command, and Exercise them in Martial Discipline, two Days in each Year in time of Peace, and four in War; which Days shall be at his own appointment, the first of which Warnings shall be by a Warrant directed to the Corporals, to Notifie them to appear compleatly Accounted as aforesaid, and other Days according to his own Discretion.

The Captain, &c. to call together his Company,

The Number of Days,

AND be it further Enacted by the Authority aforesaid, That every Enlisted Person, that shall Refuse or Neglect to make his Personal appearance Accounted as aforesaid, on such Training Days as he shall be Legally Warned to, shall for every such Default pay to the Clerk of the Company, *Three Shillings* in Money, within one Months time after such default, or make his lawful Excuse to the Captain, or in his absence to the next Superiour Officer for the same, if any he have, and if such defaulter shall refuse so to do, that then the Captain, or in his absence the next Superiour Officer shall Grant forth his Warrant to the Clerk of the Band, to take and distrain so much of the Personal Estate of such delinquent Person, or such as shall have them in Tuition, as near as conveniently will pay his Fine or Fines, together with *Six pence* more for each

Three Shillings Fine for neglect of Appearing. How taken. The overplus to be Return'd. How the Fines shall be disposed of,

Vide late Act.

each Fine distrained for the Clerk's Fees; and such Estate that shall be taken by distress, shall be duly Apprized by Two Freeholders of said Company, under Engagement, at the head of said Company, and the Captain is hereby Impowered to Administer the same, and the Overplus if any there be, to be returned to the Owner thereof, and if he shall refuse to receive the same, then the Clerk shall give him Credit for the same, which shall be accounted for out of his next Fine that shall become due; and all such Fines taken as aforesaid, shall be laid out to and for the Use of such Company, by order of the Commission Officers thereof, for the defraying their Incident Charges.

How to proceed with Persons that have no visible Estate.

Vide late Act.

AND be it further Enacted by the Authority aforesaid, That in case such Persons as shall be delinquent as aforesaid, shall have no personal Estate to be found to satisfy such Fines as aforesaid, that then the Captain of such Company, shall set such delinquent Person to work, in mending the Highways of such Town, not exceeding one Day for each Fine; and if such defective Person shall refuse to do the same, then the Captain, &c. shall committ such Offenders to Prison, twenty-four Hours, or wait further to take his Estate by Distraint.

The penalty on the Inferiour Officer's refusing to obey his Superiour.

AND be it further Enacted by the Authority aforesaid, That if any Clerk or other Inferiour Officer of the Band, shall refuse to obey his Superiour Officer's Warrant when to him directed, he shall Forfeit for every such Offence, Ten Shillings, to and for the Use of such Company, to be taken by Distress in manner as aforesaid.

All persons to be provided with Arms, &c. On the penalty of Five Shillings for every defect.

AND be it further Enacted by the Authority aforesaid, That all such Persons before in his Act excus'd from Training, yet shall notwithstanding be provided with the same Arms, Ammunition, &c. as by this Act is required of such as are obliged to Train, and that once every Year, or oftner, as the Chief Officers of any Company shall see needful, there shall be either by such Officers, or others by them appointed, a Survey and Examination made, whether such Persons are provided as by this Act is required; and all such Persons as shall be found unprovided with such Arms as before Required, shall pay the Fine of Five Shillings for each default, to be Levied by Distress and Sale of the Defaulter's Goods, as in other cases.

All persons from Sixteen to Sixty, to appear upon Alarm.

AND be it further Enacted by the Authority aforesaid, That upon any Alarm in time of War, or other eminent danger of any Assault or Invasion, all Male Persons, both Listed Soldiers and others in this Colony, of and between the Age of Sixteen Years and Sixty, shall upon notice of the same, forthwith Repair to the Colours and Ensigns of such Company, within whose Precincts they Inhabit or Dwell, provided with Arms and Ammunition required of Trained Soldiers upon Training Days

Days: And in case any Person shall not appear as aforesaid, such Defaulter shall pay the Fine of *Five Shillings*, to be Levied by order of the chief Officers of such Company, by Distress and Sale of such Defaulters Goods as in other cases.

On the penalty of Five Shillings.

AND be it further Enacted by the Authority aforesaid, That it shall and may be in the Power of the Governour and Deputy Governour of this Colony for the time being, or either of them, to Assemble and call together each of the Regiments of the Militia in this Colony, or any part of them, or either of them, at any time, as they shall think needful or necessary for the same; and if any enlisted Soldier being duly warned to appear at any such time as shall be appointed, shall neglect the same, he shall Forfeit and Pay as a Fine, *Five Shillings* in Money, to be taken and disposed of for the Use of the Company, where such Defect shall be, as other Fines are.

AND be it further Enacted by the Authority aforesaid, That if the Captain, or in his absence the next Superiour Officer of any Company or Train'd band, shall neglect legally to Warn and Call together his Company under his Command, two Days in every Year in time of Peace, and four in time of War, he shall for every Day by him omitted or neglected, Forfeit and Pay as a Fine to and for the Use of said Company, *Forty Shillings* in Money: And if such Officer so neglecting shall refuse to Pay the same, for the space of one Month next after such his Default, then and in such cases the Collonel, or in his absence the Lieutenant Collonel, of the Regiment where such Omission or Neglect shall happen to be, shall Grant forth his Warrant to the Clerk of the Band where such Omission or Neglect has been, to distrain so much of the Estate of such defaulter to be disposed of as aforesaid,

Every Captain &c. to call his Company together twice in the year. On the penalty of Forty Shillings.

AND be it further Enacted by the Authority aforesaid, That in case any Captain, or in his absence, the next Superiour Officer of any Company or Trained Band, shall neglect to give forth his Warrant to the Clerk of the Band to collect and gather such Fine or Fines as shall be due, he shall Forfeit and Pay to and for the Use of such Company, all such Fines as shall be to them due, the which shall be taken by Distrain, by Warrant as above said.

If the Captain of the Company neglect to grant forth his Warrant for the Collecting of the Fines, he shall pay the same.

AND be it further Enacted by the Authority aforesaid, That if any Enlisted Soldier, shall upon any Training or Muster Days, refuse to obey his Respective Officers, or otherways misbehave himself, that then it shall be in the Power of the Captain and other Commission Officers of each Company, to Punish such Offender, by laying him neck and heels, or Riding the Wooding-Horse, or Fine him at Discretion, not exceeding *Five Shillings*.

On Training Days the Captain to punish by Fine, or otherways such as offend.

AND

A General
Muster to be
but once in
five Years.

AND be it further Enacted by the Authority aforesaid, That the Collonel of each of the aforesaid Regiments, shall by and with the Advice or Order of the Captain General, or Lieutenant General, call together the respective Regiment under his Command, to a general Muster, to Review and Exercise the same once in Five Years, and not oftener; and the Commission, and other Inferiour Officers and Private Centinels of each respective Company, are hereby Commanded and Required, to yield all due Obedience to their respective Field Officers upon a General Muster, or upon any other Training and Muster Day, as private Centinels are Required to do to their other Commission Officers, upon the penalty of incurring the like pains and forfeitures as aforesaid.

AND whereas it appears needful for His Majesty's Service, and the Defence of this Colony, that there should be a Body of Horse Raised, for the more speedy pursuing or opposing of any Enemy.

Three Troops
of Horse to be
Raised.

To consist of
sixty Men each.

BE it therefore Enacted by the Authority aforesaid, That all proper means be used, and Encouragement given by the Governour, Deputy Governour, and General Officers of this Colony, for the Raising of three Troops of Horse, each Troop not to consist of more than Sixty Persons, including Officers, one of which Troops is to be Raised out of the Regiment upon the Islands, and the other two Troops to be Raised out of the Regiment upon the Main-Land: And that when there shall be to the Number of Twenty Eight Persons Enlisted in any of said Troops, that then upon due application to the General Assembly, there shall be by them Nominated and Appointed such Officers for the Commanding, Ordering and Disciplining of such Troop, as to said Assembly shall appear proper and needful for the ends aforesaid; which Officers shall be Engaged and Commissionated as the Officers of the Foot Companies are: And that every Trooper shall be always provided with one good serviceable Horse, of fourteen hands high, one good Saddle, Bitt-Bridle, Holsters, Breast-plate and Crouper, one Carbine, one pair of good Pistols, one Sword, one pound of Gunpowder, thirty sizeable Bullets, twelve good Flints, one good pair of Boots and Spurs, upon the Penalty of Two Shillings for every Default in every of the aforesaid Accoutrements; and that the Field Officers of each Regiment, shall appoint the Cloathing of every of the Troops of the same.

Trooper's Ac-
coutrements.

How many
Days to Muster
in a Year.
Upon Non-
appearance to
be fined Five
Shillings.

AND be it further Enacted by the Authority aforesaid, That the Captain, or in his absence the next Superiour Officer, shall Warn the Troop under his Command to Muster two several Days in every year in time of Peace, and four in time of War, at his own appointment, as the Foot Companies are; Every Trooper upon Default of Non-appearance of such Muster, when legally Warned thereunto, shall pay as a Fine, to and for the use

use of such Troop, *Five Shillings* in Money, to be taken by Distress in like manner as the Fines in the Foot Companies are; and for every default of Appearance on an Alarm, every Trooper shall pay a Fine of *Ten Shillings*, to be taken and disposed of in manner as aforesaid.

AND be it further Enacted by the Authority aforesaid, That if the Captain, or in his absence the next Commanding Officer, shall neglect to Muster and Exercise his Troop two several Days in each Year, &c. he shall be under the like Fines as the Commission Officers of the Foot Company are; to be Recovered and disposed of in the like manner.

Penalty on the Captain, &c. that neglects their Duty.

AND be it further Enacted by the Authority aforesaid, That the Commission Officers of each Troop, shall have the same power to punish or fine such Troopers as shall refuse to obey their Commands on their Muster Days, or shall otherwise misbehave themselves as the Captain of the Foot Companies have. And that the Clerk of each Troop shall pay *Ten Shillings* for every Defect of his, in neglecting to observe such Warrant as from his Superiour Officers shall be to him directed.

Penalty on the Clerk.

The Form of the Commission for Collonel.

By the Honourable A. B. Esq; Governour and Captain General in and over his Majesty's Colony of Rhode-Island, and Providence-Plantations in New-England.

• To C. D. Gent. Greeting.

YOU C. D. Being by the General Assembly of this Colony, Elected and Chosen to the Post and Office of Collonel of the Regiment of Militia on the Islands in this Colony, are hereby in His Majesty's Name, George, by the Grace of GOD, over Great Britain, France and Ireland, King, Defender of the Faith, &c. Authorized, Impowered and Commissionated to exercise the Office of Collonel of the said Regiment, and to Command, Guide and Conduct the same, or any particular Company or Companies thereof; and in case of any Invasion or Assault of a Common Enemy, to infect and disturb these His Majesty's Plantations; You are to Alarm and Gather together the Regiment under your Command, or any part thereof, as you shall deem sufficient, and with them to the utmost of your skill and ability, you are to Resist, Expulse, Expel, Kill and Destroy the same, in order to preserve the Interest

A Collonel's Commission.

of His Majesty, and His good Subjects in these Parts. You are also to follow such further Instructions & Directions as shall from time to time be further given forth either from the General Assembly, the Governour and General Council, and other your Superiour Officers: And for your so doing, this Commission shall be your sufficient Warrant and Discharge.

And the like Form of Commission shall serve for all other Commission Officers, *Mutatis Mutandis*.

AND be it further Enacted by the Authority aforesaid, That all the Commission Officers of the Militia, shall be and remain in their respective Posts, until the General Assembly at their Sitting on the first Wednesday of May next, shall appoint Commission Officers for the same.

Who shall be
a Council for
each Regiment

AND be it further Enacted by the Authority aforesaid, That the Governour and Deputy Governour, Members of the General Council, with the Field Officers and Commission Officers of each Regiment, and the Justices of the Peace that live within the same, or the major part of them, shall be a Council of War, for each of said Regiments, both in Peace and War, to settle all Watches and Wards, and to put in Force and Execute the Law Martial as need may Require, and Generally to Say, Do and Act, all and whatsoever Things shall be needful, necessary or proper for a Council of War to do.

In time of any
Invasion, &c.
the Governour,
or Deputy Go-
vernour to
Commission-
ate and Equip
out sufficient
Force to repel
the same.

AND be it further Enacted by the Authority aforesaid, For the securing of this Colony, and the Navigation thereof against Privateers, in time of War, and Pirates in time of Peace, which may infest the same; that the Governour of this Colony for the time being, or in his absence, or by his leave and permission, the Deputy Governour of the same, shall, and may in time of War, or any other emergent Occasion, Impower and Commissionate such Person or Persons, as he shall deem and adjudge to be Loyal, Courageous, and capable to Command such Ship or Ships, or other Vessels (by and with the Advice of so many of the Council, and Field Officers, as may be had at such time) shall be thought needful to Repel, or take any Privateer or Pirate, as shall infest this Colony; and also to take up and Impress such Ship or Ships, or other Vessels, as shall be deemed needful for the same; and to equip and fit the same for the Sea, with Arms, Ammunition and Provisions, and such other necessary Stores as shall be requisite, out of the Colony's Magazine, if sufficient there be; otherwise to Seize and Impress such Stores and Ammunition as shall serve for the same; and also to Enlist or Impress such and so many Seamen and others, as shall be needful and requisite to Man out such Vessels as shall be taken up or Impressed as aforesaid;

said; such Vessel or Vessels so fitted out, not to Cruise any longer at one time, than Ten Days, the Danger of the Seas only excepted.

AND for the Encouragement of Seamen and others to Enlist themselves voluntarily on such Occasions.

BE it further Enacted by the Authority aforesaid, That all such Ships or other Vessels that shall be taken from the Enemy, during such Cruise, together with their Loading and Appurtenances, shall be, and remain to the Captors, His Majesty's Dues, and the charge of the Out-set only excepted; and in case that nothing shall be taken from the Enemy during such Cruise; the Charge thereof shall be born by the Colony.

All Prizes taken to belong to the Captors,

An Act for Relieving such as shall be Maimed, and the Widows, Parents or Relations of such as shall be Kill'd in the Colony's Service.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same, That if any Officer, Soldier or Sailor, that shall be employed by this Colony, against His Majesty's Enemies, in defence of this Colony or otherwise, shall be Maimed and Disabled by loss of Limb or Limbs, or otherwise from getting a livelihood for himself and Family, or other Relations that have dependance on him for Maintainance; that then and in such cases, such Maimed Person, shall have his Wounds carefully looked after and healed at the Colony's charge, and shall have an Annual Pension allowed him out of the General Treasury, sufficient to maintain himself and Family, or other Relations whose Maintainance is incumbent on him.

Whoever shall be disabled in the Colony's Service, to be maintain'd at their Charge,

AND be it further Enacted by the Authority aforesaid, That if any Person or Persons shall be Slain in this Colony's Service as aforesaid, and have the charge of Maintaining a Wife, Children, Parents or other Relations, that then and in such cases, such Wife, Children, Parents or other Relations, the charge of whose Maintainance was Incumbent on such Person Slain as aforesaid, shall be Subsisted and Maintained by the Colony, by a Yearly Pension, to be allowed them out of the General Treasury, as by the General Assembly shall be deemed sufficient for the same, until such Wife, Children, Parents or other Relations, shall happen to Die or be able to Subsist and Maintain themselves.

AND

And for the better putting this Act in Execution.

The Town Council of each respective Town, to see the same performed.

BE it further Enacted by the Authority aforesaid, That the Town Council of each respective Town in this Colony, shall have the care and oversight of such Persons who Reside in their respective Towns, and are Intituled to any Pension as aforesaid, and from time to time to Receive the same, and therewith supply such Persons as they shall stand in need thereof.

An Act for the better Regulation of Attachments in Civil Actions.

WHEREAS by the Custom of this Colony of late Years, it has been allowed, that the Sheriff or his Deputy's Attaching of Goods of small value, not answerable to the Debt or Damage Sued for by the Plaintiff, to be a good service of such Writ, in case of the Defendants absence, which hath been a cause that there hath not been that diligence used for the Arresting the Defendant's Person as ought to be.

No Attachment to be made under the value of the Debt or Damage. Unless the Plaintiff order the same.

BE IT THEREFORE Enacted by the General Assembly of this Colony, and by the Authority of the same, That for the future upon any Writ delivered the Sheriff in a Civil Action, he shall by himself, or his Deputy, Use his best Diligence to Arrest the Body of the Defendant, or Defendants, and shall not Attach the Defendant's Goods or Chattels, unless such Goods and Chattels so Attached be of sufficient Value to answer the Damages laid in such Writ; Excepting only where the Plaintiff or his Attorney shall on the back of such Writ order the same under the Hand of such Plaintiff, or his Attorney; But in case the Plaintiff, or his Attorney, shall so order the same, such Service shall be sufficient to bring the cause to a Tryal.

Repeal'd.

An Act for the Distribution and Settling of Intestate's Estate.

An

An Act for taking Depositions out of Court.

FORASMUCH as the taking Depositions of Witnesses in civil Causes, is often necessary, by reason of the Uncertainty of the Life, Health, and continued Residence of such Witness, until the Sitting of the Court, to Try such Causes; and that the Depositions of Witnesses be rightly and truly taken, according to their intent and meaning, and Transmitted to the Court.

BE IT THEREFORE Enacted by the General Assembly of this Colony, and by the Authority of the same, That it shall and may be lawful for either Plaintiff or Defendant in any Civil Action commenced for or against him at any Court in this Colony, to take out a Summons from any Assistant, or Justice of the Peace of the Neighbourhood, for such Witness or Witnesses to appear before him, to give in his or their Evidence of what he or they know in the Case then depending; provided that a Notification be first taken out from said Justice, to the adverse Party, if dwelling within ten Miles of the Place, and unto him Read, to be present if to be found at the place of his or their usual Habitation; or if not to be found, a Copy thereof being left there for him or them a reasonable time before the Examination of such Witness or Witnesses; every such Witness to be carefully Examined and Charged by such Justice to Declare the whole Truth, and nothing but the Truth, between said Parties, which Deposition so taken, and wrote by the Justice, or other person by his appointment, and being attested by such Justice, is to be delivered to the Party, at whose desire the same was taken, a Copy thereof to be delivered to the adverse Party, if by him or them then desired, and paying for the same, which Charges shall be allowed to the Party that shall obtain Judgment in the Bill of Costs; neither of the Parties, nor their Attorney's to draw any such Evidence.

Evidences to be taken before a Justice, &c.

If the Person notify the adverse Party to be there.

An Act for Discouraging Vexatious and Unjust Suits in Law.

WHEREAS it hath been found that Suits and Actions at Law, have been much Increased of late Years, by the Vexatious and Litigious Dispositions of either Plaintiffs or Defendants, in either Suing for what is not their due, or unjustly withholding the same from others, and are much encouraged thereto, by reason the Usual Costs to the Parties obtaining Judgment is not answerable to what may reasonably be allowed,

For the Discouraging the same for the future.

Two Shillings
and Six pence
allowed for
every Ten
Miles Travel-
ling to Court.

BE IT THEREFORE Enacted by the General Assembly of this Colony, and by the Authority of the same it is hereby Enacted, That when and so often as either Plaintiff or Defendant, in any Action or Suit in Law or Equity, shall obtain the Judgment of any Court of this Colony, for him, her or them, that there shall be allowed and Taxed in the Bill of Costs, *Two Shillings and Six pence*, for every Ten Miles distance from the Place of such Persons, and each of the Witnesses Habitations to the Court where such Cause shall be Tried, and *Two Shillings* per Day for such Person or Persons, and each of his, her or their Witnesses, for their Attendance on said Court.

Two Shillings
per Diem for
Attendance.

PROVIDED always, That in case the Evidence of any such Witnesses so attending, shall appear to such Court to be frivolous, and not material to prove the Issue in the Cause, it shall be in the Power and at the Discretion of the Court to allow them nothing for such their Travel and Attendance, in such Bill of Costs, and the Persons who Summoned them, shall Pay their Costs for Coming, Attendance, &c.

An Act, Directing Proceedings in Actions and Suits, wherein either the Recorder or Sheriff are Parties.

The General
Attorney to
Sign all Pro-
cesses where the
Recorder is a
Party.

All Writs
where the Sher-
riff is a party,
shall be direct-
ed to the Town
Sergeant.

BE IT ENACTED by the General Assembly of this His Majesty's Colony, and by the Authority of the same, That when and so often henceforward, as the Recorder of this Colony for the time being, shall be a Party in any Action or Suit, either as Plaintiff or Defendant, the Writ or Writs, both Original and Judicial, shall be Signed and Sealed (as the Law in such Cases Requires) by the General Attorney of this Colony, and that in all Actions or Suits wherein the Sheriff of this Colony for the time being shall be a Party, the Writs both Original and Judicial, shall be directed to the Town Sergeant of the Town, for the time being, where the Defendant in such Action or Suit, shall be an Inhabitant to Execute the same.

An Act for the better Regulating of the Collector's and Naval Officer's Fees within this Colony. Repeal'd

An Act for calling in the *Three Pound Bills* of Credit Emitt'd by this Colony, in the Years *One Thousand Seven Hundred and Ten*, and *One Thousand Seven Hundred and Eleven*.

FORASMUCH as the *Three Pound Bills* of Credit on this Colony, Emitt'd in the Years aforesaid, have been Counterfeited, whereby great Damages have happened to several Persons, which may discourage the Currency of said Bills, if not prevented.

BE IT THEREFORE Enacted by this present Assembly, and by the Authority of the same it is Enacted, That the Possessors of *Three Pound Bills* of Credit of this Colony, Emitt'd in the Years aforesaid, Do bring into the General Treasury of this His Majesty's Colony, all the aforesaid Bills, before or upon the First Day of *May*, in the Year of our Lord, *One Thousand Seven Hundred and Nineteen*, where all the said Bills shall be changed with other Bills of Credit: And all the aforesaid *Three Pound Bills* of Credit that shall not be brought into the General Treasury by the aforesaid First Day of *May*, *One Thousand Seven Hundred and Nineteen*, Be, and hereby are Prohibited to pass from Man to Man, or have any further Currency. Any Act or Acts, Clause or Clauses of Acts to the contrary hereof notwithstanding.

Three Pound Bills to be paid into the Treasury, by the First of May, 1719.

An Act for the Relief of poor Prisoners.

FORASMUCH as many insolvent Debtors have been thrown into Goal upon Execution by their Creditors, and have lain long languishing, to the destroying of themselves and Families.

BE IT THEREFORE Enacted by this General Assembly, and by the Authority of the same, That whosoever shall keep or continue an insolvent Debtor in Prison any longer time than he shall be able to Subsist himself, shall find for such Prisoner, Work

Insolvent Debtors to be allowed Six pence per Diem by the Creditor.

Work sufficient to Substist himself, during his Confinement, or shall Pay unto such Prisoner, Six pence per Day during the same; and that if such Creditor shall refuse to pay the same, that then upon Complaint thereof made to any Assistant, or Justice of the Peace, and Conviction thereof, such Assistant or Justice shall grant forth a Warrant of Distress, to distrain so much of such Offender's Estate as shall satisfy and pay the same.

An Act For the more speedy Tryal of such Negro and Indian Slaves who shall be found Purloining and Stealing, &c.

Negroes and Indians to be Tried for Theft in the Town where the Fact is committed.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That all Negro and Indian Slaves that shall be found Purloining, Stealing or Thieving, shall be Tryed and Adjudged for the same, in the Town where such Offence shall be committed; And the Assistants, Justices of the Peace, and Wardens of such Town, or any Two of them, are hereby fully Impowered to Hear, Try and Adjudge the same; and upon Conviction thereof, Definitive Sentence to give, as fully and effectually, by Whipping, Banishing, &c. as the General Court of Tryals, and General Goal Delivery, within this His Majesty's Colony have been Authorized, Used or Accustomed to do.

An Appeal allowed to the General Court of Tryals, and Goal Delivery.

SAVING always, The liberty of an Appeal to the General Court of Tryals, and General Goal Delivery, if the Owner of such Slave or Slaves shall desire the same, and give Bond to prosecute such Appeal, as in other cases. Any Act or Acts, Clause or Clauses of Acts to the contrary hereof, in any wise notwithstanding.

An Act, Regulating the Recorder's and Sheriff's Fees, in Cases that come before the General Assembly.

BE IT ENACTED by the General Assembly, and by the Authority of the same it is Enacted, That the General Recorder and Sheriff of this Colony, shall have and take the like Fees

Fees in all Causes that shall come before the General Assembly, as they are allowed to have and take in Causes brought to the General Court of Tryals.

A L A W,

Made and Passd by the General Assembly of his Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Providence the Twenty Ninth Day of October, 1718.

An Act for Regulating Attorneys at the General Court of Tryals.

FORASMUCH as it hath been found very Injurious to the Country; and greatly to retard the Business of the General Court of Tryals, &c. in allowing three or more Attorneys to Speak and Plead on one side, for either Plaintiff or Defendant:

BE IT ENACTED by the General Assembly, and by the Authority of the same it is Enacted; That no Person or Persons (whether Plaintiff or Defendant) shall have in any one Cause above Two Attorneys or Lawyers, to speak and plead for them in the General Court of Tryals, &c. and that one of said Attorney's or Lawyers shall be a Freeholder, a Freeman, and an Inhabitant in this Colony. Any former Usage or Custom to the contrary hereof in any wise notwithstanding.

Not above two
Attorney's to
plead in one
Cause.

H h L A W S,

L A W S,

Made and Pass by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport by Adjournment, the Sixteenth Day of June, 1719.

An Act for regulating Appeals to His Majesty in Council in Great Britain.

WHEREAS many Persons in this Colony appeal home to His Majesty in Council in Great Britain, from the Judgments of the Courts within this Colony, in Cases of very small Moment; whereby many Persons of small Substance have been necessitated to lose their just Rights, for want of ability to defend the same.

For the preventing whereof for the Future;

None to Appeal to Great Britain, under an Action of Three Hundred Pounds.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That no Person or Persons whosoever, after the Date hereof, shall have allowed him, her, or them, any Appeal to His Majesty in Council in Great Britain, for any matter or thing whatsoever, unless such matter or thing in Controversy be of the Value of Three Hundred Pounds, Currant Money of this Colony, to be Valued by such Courts where such Appeals shall be prayed. Any Custom or Usage to the contrary hereof in any wise notwithstanding.

An

An Act Enabling the Surveyors of the Highways of the Town of *Newport*, to Recover the Charges of Paving before the Land of such in said Town, who live out of the Government.

WHEREAS Complaint has been made unto this Assembly by the Town of *Newport*, that several Persons that have Land in the said Town, (which Lands have been Paved before by the Surveyors of the Highways of the said Town, pursuant to the Acts of said Town) have lately Removed out of this Government, whereby the Surveyors of the Highways of said Town cannot Recover of the Owners of said Lands, the Charges of Paving the same; which, unless provided for, will create great Charge unto said Town, and may possibly hinder the Paving the Streets of said Town, which is of great Necessity to be done, for the conveniency of the Inhabitants and Travellers.

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same, That whosoever hath, or shall have, any Lands in the Body of the Town of *Newport*, and it shall be found convenient to Pave before the said Lands, and the Owner or Owners of such Lands shall not Inhabit within this Colony, and do not within Three Months after such Paving shall be done, satisfy and pay for the same, that then it shall and may be lawful for the Surveyors of the Highways of the said Town, to apply themselves to any Assistants or Justices of the Peace of said Town, or any Two of them, and give in under Oath, or Engagement, the Charge of such Paving which shall be Paved as aforesaid: And such Assistants and Justices are hereby Impowered and Authorized, to grant forth a Warrant of Distress, to any of the Constables of said Town, to Seize and Distrain so much of the Goods and Chattels of the Tenant or Tenants of such Person or Persons, within the Town of *Newport*, as will satisfy and pay the said Charge and the other reasonable Charges accruing thereon; which shall be by such Tenant or Tenants discounted with the Owner or Owners of such Lands, out of the Rents and Profits of such Lands, by him or them Hired: And if such Owner or Owners shall refuse so to do, he shall have no Action or Suit of Law for the same. Any Law, Act, or Usage to the contrary hereof in any wise notwithstanding.

Tenants to pay the Charge of Paving Lands in *Newport*, the Owners of which live out of the Government.

An Act stating the Fees for the Collector within this Colony.

BE IT ENACTED by the General Assembly, and by the Authority of the same it is Enacted, That the following Fees, and no other, shall be Demanded and Received in the Collector's Office.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For a Register,	00	06	00
For Endorsing the same,	00	02	00
For a Certificate for Naval Stores,	00	03	00
For all Foreign Vessels Entering Inwards, and Permit to Unload,	00	06	00
For all Foreign Vessels Clearing out, the same as Entering Inwards,	00	03	00
For a Certificate for Unloading Enumerated Goods,	00	03	00

Coasting Vessels to the Neighbouring Colonies.

For Entering Inwards and Permit to Unload, as far as <i>New-Hampshire, the Massachusetts, Connecticut, New-York, the Jerseys, and Pennsylvania.</i>	00	02	00
For Entering Inwards from other Ports between <i>Annapolis and South Carolina</i> , and a Permit to Unload,	00	05	00
For Clearing out, the same,			
For a Coquet for <i>European</i> Goods to the said Colonies,	00	02	00
For every Conquet for several Parcels bought by the Master, at the Shops,	00	03	00
For a Bill of Store,	00	01	00

Collector to take no more than his stated Fees, on the Penalty of Ten Pounds.

AND be it further Enacted by the Authority aforesaid, That if any Person or Persons Employed in the said Office, shall Demand or take any other or greater Fees than by this Law are allowed, he or they shall be subject to the Penalty of Ten Pounds. Or if any Person or Persons employed as aforesaid, shall Illegally Delay or Defer Entering or Clearing any Ship or Vessel, and Dispatching any Merchant or Merchants in their Course, such Officer or Officers so offending shall be liable to pay Cost and double Damages, being thereof duly Convicted in any of His Majesty's Justices Courts of Record within this Colony. And said Officer shall have a List of Fees hanging up in his Office, on the said Penalty: Any Act or Acts, Clause or Clauses of Acts to the contrary hereof, in any wise notwithstanding.

LAWS,

L A W S.

Made and pass by the General Assembly of His Majesty's Colony of *Rhode-Island and Providence-Plantations*, held at *Newport*, by Adjournment, the Eighth Day of *September*. 1719.

An Act for the Establishing of Watches throughout this Colony, both in Time of War and Peace.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That the Town Council of each respective Town in this Colony, Be, and they are hereby fully Authorized and Impowered, to Appoint, Settle and Order a Military Watch in Time of War, in their respective Towns, of such Number of Persons as they think proper for the same. And the Commission Officers of each respective Town, are hereby required to observe and see, that the Orders of such Town Council as aforesaid be duly observed and put in force.

Town Council
to settle Military
Watches;

Commission
Officers to ob-
serve their
Orders.

AND it is further Enacted by the Authority aforesaid, That every Person that shall refuse or neglect to Watch, when legally warned thereto, shall pay a Fine of *Three Shillings* in Money, for every such Offence, to the Commanding Officer that sets the Watch. And if he refuse or neglect so to do for the space of Five Days, then the Captain under whose List he shall fall, or in his absence the next Commanding Officer, shall grant forth a Warrant to Distrain the same, together with the Reasonable Charges accruing; which Fine so taken, shall be Improved for the Maintainance and Support of such Military Watch.

Penalty for
Persons neg-
lecting to
Watch.

AND be it further Enacted by the Authority aforesaid, That each respective Town Council in this Colony, be, and they hereby are fully Impowered to appoint and Settle all Watches in time of Peace, and all Persons that shall refuse to do their Duty therein, when thereunto legally warned, shall be under the like Penalty and Fine as those that neglect on a Military Watch, to be taken and Disposed of in the same manner, by the Constable under whose Ward he or they shall be.

Watches in
time of Peace;

Penalty for
Neglect.

L A W S,

Made and Past by the General Assembly of his Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Warwick the last Wednesday of October, 1719.

An Act enabling the Town Councils of each respective Town in the Colony, to take care to Preserve and Improve the Fishing of the several Rivers in their respective Jurisdictions, and to prevent Obstructions being made to hinder the same.

WHEREAS Complaint has been made to this Assembly, that several Persons within several Towns of this Colony, have and do daily, by Dams, Wairs, and otherways obstruct and hinder the Passage of the Fish, up the Rivers they have been accustomed to; which is very prejudicial to the Inhabitants of such Towns, and especially to the Poor of the Neighbourhood, who are many times greatly relieved thereby.

For the preventing whereof for the future,

Town Council
to take Care of
the Fishery of
the Rivers.

BE IT ENACTED by the General Assembly, and by the Authority of the same it is Enacted, That each respective Town Council in this Colony, be, and they hereby are, fully Impowered, to take care for the preservation of the Fishery of the Rivers within their respective Jurisdictions, and to remove all Obstructions made in any Rivers, that may prejudice the Inhabitants, by stopping of Fish from going up the same.

Penalty for
obstructing the
Fish in their
Course.

AND it is further Enacted by the Authority aforesaid, That whoever shall, from and after the Time of Three Months after the Publication hereof, Build or Erect any Dam or Wair, a-cross, or in any River, or draw any Sein or Net in the same, in any Town within this Colony, whereby the Fish in their accustomed Course are hindred from going up the same, without the leave of the Town Council of such Town first had and obtained, every Person so offending, shall Forfeit for every such Offence, the Sum of *Forty Shillings*, to and for the Use of such Town, upon Conviction thereof before any Assistants or Justices of the Peace of such Town, or any Two of them, to be

be taken by a Warrant of Distress from any one Assistant or Justice of the Peace, directed to a Constable of such Town where the Offence shall be committed.

An Act, Declaring what Town Officers are exempt from being Jurors, in the General Court of Tryals and General Goal Delivery.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That no Town Officer shall be exempted from Serving as a Jurymen at the General Court of Tryals and General Goal Delivery; Town Council Men, the Town Clerk, Town Treasurer, Town Sergeant, the Constables, Commission Officers immediately under Commission, and Custom House Officers only Excepted. Any Law, Custom or Usage to the contrary hereof in any wise notwithstanding.

Who are exempted from Serving as Jurymen

An Act for Establishing Vendue Masters throughout this Colony.

BE IT ENACTED by the General Assembly, and by the Authority of the same it is Enacted, That each and every Town within this Colony, shall annually, at their Election of Town Officers, Elect and choose a Vendue Master, if they see cause, who shall give to such Town One Thousand Pound Bond, with one good Surety, and shall be Engaged as other Town Officers are, to the performance of the same. And such Vendue Master so Elected and Engaged as aforesaid, shall sell all Goods of private Persons, put up at any Vendue or publick Outcry, and shall have Two and a half per Cent. for the same.

Each Town to Elect a Vendue Master

AND the Vendue Master, before his exposing of any Goods to Sale, shall publickly read the Conditions of such Sale; And the Buyers of any Goods and Merchandize, at any Vendue or publick Outcry, are to comply with the same.

Conditions of Sale to be read and comply'd with.

AND if the Buyer of Goods or Merchandize at any Vendue or publick Outcry, shall neglect or refuse to pay for such Goods by them bought, by the time limited in the Conditions of the Sale thereof, then it shall and may be Lawful for the Vendue Master to call a special Court for the same.

AND

AND it is further Enacted by the Authority aforesaid, That if the Vendue Master shall Refuse or Neglect to pay the Owner or Owners of such Goods (by him sold) for the same, by the space of Five Days after the time limited for the Payment thereof, that then it shall and may be lawful for the Owner or Owners of such Goods, to call a special Court, for the Recovery of the same of the Vendue Master. Any Act or Acts, Clause or Causes of Acts, to the contrary hereof, in any wise notwithstanding.

A L A W,

Made and Past by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations; Held at Newport by Adjournment, the Fourteenth Day of June, 1720.

An Act for Repealing an Act, Entituled, *An Act directing the Tryal of Trespasses where Title is pleaded by the Defendant.*

WHEREAS there was an Act of Assembly past in this Colony, on the Sixteenth Day of June, 1719. Entituled, *An Act directing the Tryal of Trespasses, where Title is pleaded by the Defendant: And the same is very Injurious to the Inhabitants of this Government, by increasing Litigious Suits.*

For the preventing whereof,

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That the aforesaid Law, Entituled, *An Act directing the Tryal of Trespasses where Title is pleaded by the Defendant,* be, and the same is hereby Repealed, and made Null and Void.

LAWS,

L A W S,

Made and past by the General Assembly of His Majesty's Colony of Rhode-Island and Providence-Plantations, Held at Newport, the Seventh Day of July, 1720.

An Act Impowering the Assistants and Justices of the Peace, and Wardens, to Try all Matters of Theft and Purloining, where the thing Purloined or Stole, exceeds not *Twenty Shillings*.

WHEREAS many times it happens, that poor Persons are found thieving and purloining of things of small Value, and for the same are Bound over to the General Court of Tryals and General Goal Delivery; and the said Court being held but twice in a Year, such Persons are continued in Goal so long, that their Families are often undone for want of Subsistence in the mean time.

For the Regulating whereof for the future;

BE IT ENACTED by the General Assembly, and by the Authority of the same it is Enacted, That all Persons whatsoever, that shall be found guilty of Thieving or Purloining of any Goods, Wares, Merchandize or things whatsoever, that do not exceed the value of *Twenty Shillings*, shall be adjudged and Tried for the same before the Assistants, or Justices of the Peace, or Wardens, of such Town where such Offence shall be committed, or any Two of them: And they are hereby fully Impowered and Authorized, to hear all such Cases as aforesaid; And upon Conviction of any such Crime as aforesaid, to pass Sentence, and punish such Offender or Offenders, as fully and amply (according to the Nature of the Offence) as the General Court of Tryals and General Goal Delivery are, or have been Impowered or Accustomed to do. Any Law, Usage or Custom to the contrary hereof in any wise notwithstanding.

Assistants;
Justices or
Wardens, to
Try & punish
Theft, when
the Value of
Goods stole
exceed not
*Twenty Shil-
lings.*

L A W S.

Made and past by the General Assembly of His Majesty's Colony of Rhode-Island and Providence-Plantations, Held at Newport, the First Wednesday of May, 1721.

An Act for the better preventing of Drunkenness.

WHEREAS it doth manifestly appear to this Assembly, that many Inhabitants of this Colony spend much of their time and Money at Taverns, Ale-Houses, &c. which tends not only to the utter ruine of themselves, but also exposes their Families to Penury and Misery, and brings considerable Charges upon the Towns to which they respectively belong.

For the Effectual Preventing whereof for the future,

Tavernkeepers, &c. prohibited Selling strong Liquors to common Tiplers.

BE IT ENACTED by the General Assembly, and by the Authority of the same it is Enacted; That it shall and may be in the Power and Authority of the Town Council of each respective Town within this Colony, upon Complaint unto them made, that any Person or Persons dwelling within the limits of such Town, do practice such evil and vile Course as aforesaid, to order Prohibitions in such and so many places within the respective Town to which they belong, as to them may see needful, thereby strictly prohibiting all Retailers of strong Liquors, as well as all others, to sell any sort of strong Liquors, directly or indirectly, to any such Person or Persons as shall be therein mentioned.

Penalties for offending.

AND in case any Retailer of strong Drink, or other Person, shall presume, contrary to this Act, to Sell or Vend any sort of strong Liquor to any such Person or Persons as aforesaid, and shall be duly convicted thereof, either by their own Confession, or by the Testimony of one or more credible Witnesses or Witnesses; such Person or Persons so offending, shall Forfeit to the Use of the Poor of the Town in which such Offence shall be committed, the Sum of *Twenty Shillings* for the first Offence; and for every Offence in said manner after, *Forty Shillings*, to be Tried, Taken and Levyed, as other Fines and Penalties

nalties not exceeding *Forty Shillings* are; And the Person so convicted, shall pay all reasonable Costs.

An Act to Encourage the Raising and well Manufacturing of Hemp within this Colony.

Expir'd;

An Act for Raising and Emitting *Forty Thousand Pounds* in Bills of Credit, by way of Loan, &c.

FORASMUCH as the Silver and Gold formerly passing in this Colony is altogether exhausted; and the Bills of Credit Emitted by this Colony are not a sufficient Medium of Exchange; whereby the Commerce and Trade of this Government is exceedingly Obstructed, and the Affairs thereof very much hindered: And also Fort Ann calls for very speedy and great Reparations, which is impossible to be done (for want of a Medium) without the Raising and Emitting such a Sum as aforesaid:

All which being duly considered,

BE IT ENACTED, by the General Assembly of this Colony, and by the Authority of the same, it is Enacted, That the Sum of *Forty Thousand Pounds* in Bills of publick Credit, of the same Tenor with those which have already been Emitted by this Government, be forthwith Impressed and made, and put into the Hands of Six Trustees in the Town of Newport, hereafter named and appointed in this present Act, with full Power to act therein: Which said Trustees, or any three of them, have hereby full Power given and granted them, to Sign all the aforesaid Bills, and to order the making of them, of such Denominations as shall to them seem needful and necessary for the Uses aforesaid, not to exceed the said Sum of *Forty Thousand Pounds*; And the said Trustees may make any further or other device in the Escutcheons, or on the Body of the Bills, as they shall judge proper to prevent the Counterfeiting thereof; and are also to provide all Materials for the same.

Forty Thousand Pounds Emitted.

AND be it further Enacted by the Authority aforesaid, That when the said *Forty Thousand Pounds* is compleatly made and finished, then the Bills shall be delivered by the said Trustees, to the Persons hereafter chosen Committees for the several Towns

To be Let out
on Land Security for Five
Years.

Towns in this Colony, the Trustees taking their Receipt for the same. And the said Bills shall be Let out by the several Committees, to the Inhabitants of this Colony, in their respective Towns, on Land Security, in the same way and manner as the former Bills Let out by this Colony are, both for Interest and Security, and for the Term of Five Years from the Adjournment of this Assembly, not exceeding *Three Hundred Pounds*, nor under *Twenty Five Pounds*, to any one Person.

—AND the Committees are hereby strictly charged to observe and follow such Orders and ways in Letting out the same, as by an Act of Assembly past in this Colony, *July the Fifth, 1715*, is ordered, for the Letting out of the *Thirty Thousand Pounds* then raised.

None to hire
any of these
who hir'd the
former Bills,
if taken up by
others.

AND be it further Enacted by the Authority aforesaid, That the aforesaid Committees of the several Towns, shall not Let any of the said Bills of Credit, to any Person or Persons that hired any of the former Bills of publick Credit, by the space of three Months: But if at the end or expiration of three Months after they have received their Proportion of Bills, there remain any of the same in their hands, not hired out as aforesaid, that then the said Committees shall and may hire out the same, to any Persons in their respective Towns, upon good Security as aforesaid, or return the same to the Trustees aforesaid, whose Receipt shall be their Discharge.

Hemp or
Flax may be
received as pay
for the Interest

AND be it further Enacted by the Authority aforesaid, That any Persons whatsoever, that shall raise and Manufacture any Hemp or Flax within this Colony, which shall be good and Merchantable, they shall be admitted to pay the same into the General Treasury of this Colony, (at such Prices as shall from time to time be set by the General Assembly of this Colony on the same) for the Interest of the Bills by them hired: And the General Treasurer of this Colony for the time being, is hereby required to receive the same accordingly; or otherwise they shall pay the same in Bills of publick Credit.

AND the General Treasurer of this Colony for the time being, is hereby Impowered and Enabled, to Sue for and Recover the Annual Interest Money, as by the former Law, past *Anno 1715*, he is Enabled to do.

Trustee's
Names.

AND be it further Enacted by the Authority aforesaid, That the Honourable *John Wanton, Esq;* Deputy Governour of this Colony, *Major Nathaniel Coddington, Mr. Robert Gardner, Capt. Jonathan Nickals, Capt. Edward Thurston,* and Lieutenant Collonel *William Coddington,* be, and they hereby are, appointed and chosen

chosen to be the Six Trustees; and they, or any three of them, shall Sign all such Bills as aforesaid. And all the Mortgages shall be made to them, on the same Conditions as the former were to the former Trustees. And they are also appointed a Committee for the Town of *Newport* to hire out their proportionable part of said Bills.

AND Mr. *Andrew Harris*, and Capt. *Richard Waterman*, shall be a Committee to Execute said Trust for the Town of *Providence*. And Mr. *Thomas Cornell*, and Mr. *William Anthony*, shall be a Committee to Execute said Trust for the Town of *Portsmouth*. And Capt. *John Waterman*, and Mr. *John Wicks*, shall be a Committee to Execute the said Trust for the Town of *Warwick*. And Capt. *Joseph Stanton* and Mr. *John Hill*, shall be a Committee to Execute said Trust for the Town of *Westerly*. And Captain *Simon Ray*, and Mr. *Thomas Mischel*, shall be a Committee to Execute said Trust for the Town of *New-Shoreham*. And Mr. *Stephen Hazard*, and Mr. *Jeremiah Gould*, shall be a Committee to Execute said Trust for the Town of *Kingstown*. And Mr. *Thomas Spencer*, and Mr. *Pardon Tillinghast*, shall be a Committee to Execute said Trust for the Town of *East Greenwich*. And Mr. *John Hull*, and Capt. *Nicholas Carr*, shall be a Committee to Execute said Trust for the Town of *Jamas-ton*.

Committee's Names for the several Towns.

AND it is further Enacted, That all the aforesaid Committees shall be under Oath, or Engagement, for the true and faithful Performance of the Trust reposed in them, and shall be allowed for their Service therein, the Sum of *Fifteen Shillings* for every *Hundred Pounds* by them Let, out of the General Treasury, to be divided amongst them as followeth, viz. To the Six Trustees, for their Service in Signing the said Bills, &c. two thirds of the whole Amount, together with a proportionable part with the other Committees, according to the Sum or Sums Let out for the Town of *Newport's* Proportion. And shall pay the Remainder to the Committees of the several Towns, in proportion to such Bills as shall be by them Let out.

Trustee's and Committee's Allowance.

AND be it further Enacted by the Authority aforesaid, That the one Moiety, or half part of the Interest, that shall accrue on the Letting out the aforesaid Sum of *Forty Thousand Pounds*, shall be by the General Treasurer of this Colony, delivered to the Treasurers of the respective Towns in this Colony, according to their proportion of Rates, as now by the Law they stand stated, for such Towns to Improve as they shall think needful, in the management of their prudential Affairs.

Half the Interest to be delivered to the respective Towns, according to their proportion of Rates.

An Act for stating the Salary of Assistants, and Wages of the Deputies.

Assistants allowed Ten Pounds per Annum.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That the Assistants of this Colony for the time being, shall each of them have Ten Pounds per Annum, paid out of the General Treasury of this Colony for their Service.

And Deputies Six Shillings per Diem.

AND the Deputies convened in General Assembly, shall, for every Days Service in the publick Affairs, in attending in the General Assembly, during the Session or Sessions thereof, have Six Shillings per Diem each, for such Service, to be paid by each respective Town, as formerly, when they had but Three Shillings per Diem allowed them.

L A W S,

Assistants allowed Ten Pounds per Annum.

Made and past by the General Assembly of His Majesty's Colony of Rhode-Island and Providence-Plantations, held at Newport, by Adjournment, the Thirteenth Day of June, 1721.

An Act for enlarging the Wages of the Town Sergeants in each respective Town.

Two Shillings per Diem, added to the Town Sergeants Wages.

BE IT ENACTED by the General Assembly, and by the Authority of the same it is Enacted, That the Town Sergeant of such Town where the General Assembly shall from time to time sit, shall have Two Shillings per Diem, during his Attendance on the Assembly, added to his former Wages of Three Shillings per Diem, to be paid out of the General Treasury.

An

An Act for stating the Price of Hemp and Flax, which shall be paid into the General Treasury.

BE IT ENACTED by the General Assembly, and by the Authority thereof it is Enacted, That the Price of Hemp and Flax which shall be paid into the General Treasury, shall be as followeth, *viz.* good Merchantable Hemp, shall be received by the General Treasurer at eight pence per Pound, and good Merchantable Flax at ten pence per Pound, and no more.

Hemp eight pence per Pound, and Flax ten pence

An Act for Enlarging the Recorder's Wages.

BE IT ENACTED by the General Assembly, and by the Authority thereof, That the Recorder of this Colony for the time being, shall have Four Shillings per Diem, added to his former Wages of Two Shillings per Diem, for his attending on the General Assembly and General Council.

Four Shillings per Diem, added to the former Wages of the Recorder,

L A W S,

Made and Past by the General Assembly of his Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Tenth Day of August, 1721.

An Act to prevent the Small Pox being brought into this Colony from the Town of Boston, &c.

WHEREAS the Small Pox is very prevalent in the Town of Boston, and is very contagious and mortal; which if it be brought into this Government, may provide very Destructive to the trade thereof, and will endanger the Lives of some thousands of Persons, if timely care be not taken to prevent the same.

BE

Persons to be
appointed for
Airing and
Cleansing
Goods in the
Narragansett-
Bay.

BE IT THEREFORE Enacted by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That all Goods, Wares and Merchandize, that shall be Imported into this Colony from the Town of Boston, or any other Town in the Province of the *Massachusetts-Bay*, (where the Small Pox is or shall be prevalent) shall be brought on shore, and Landed on some of the Islands in the *Narragansett Bay*, where the Persons hereafter appointed by this Act to have the Care and Oversight of the same shall think proper; And such Goods shall be exposed to the Sun, and Aired and Cleansed, not exceeding ten Days, nor under six Days, before they shall be permitted or suffered to be brought into any Dwelling House, Shop or Warehouse, in any Town within this Colony, other than where they were Aired and Cleansed by Authority.

AND the Persons hereafter appointed to see the same performed, shall give a Certificate for such Goods, &c. by them Aired and Cleansed, before they shall be permitted or received into any Town as aforesaid.

Goods not
Aired and
Cleans'd to be
Forfeited.

AND be it further Enacted by the Authority aforesaid, That if any Person or Persons shall Import into this Colony any Goods, Wares or Merchandize from the Town of Boston, or any other Town in the Province of the *Massachusetts-Bay*, where the Small Pox is or shall be prevalent, without Airing and Cleansing the same, as in this Act is before expressed, they shall Forfeit all such Goods, Wares and Merchandize, by them Imported into this Colony; the one Moiety thereof to and for the Use of the Colony, for and towards the Support thereof, and the other Moiety thereof to him or them that shall inform of the same.

Assistants and
Justices im-
powered to
seize such
Goods.

AND the Assistants and Justices of the Peace of the several Towns in this Colony, are hereby Required and Impowered to Seize and Secure all such Goods, Wares and Merchandize, in their respective Jurisdictions, as shall be clandestinely Imported as aforesaid, in order to bring the same to a Tryal at the General Court of Tryals, who are hereby Impowered to have the Cognizance thereof, if the Value of the Goods seized be above *Forty Shillings*, and if under *Forty Shillings*, to be Tried before two or more Assistants or Justices of the Peace, &c.

Two Persons
to be appoin-
ted in Newport,
for Airing and
Cleansing
Goods.

AND it is further Enacted by the Authority aforesaid, That the Governour and Deputy Governour appoint two meet Persons in the Town of *Newport*, to Air and Cleanse all Goods, Wares and Merchandize, that shall be Imported into this Colony by Water, from any of the aforesaid Places as shall be infected with the Small Pox: And they shall Cleanse and Air them

not

not exceeding ten Days, nor under six Days, as aforesaid; And shall give a Certificate to the Owners or Possessors of the same, when Aired and Cleaned: And the Owners or Possessors of such Goods, shall pay to such Persons as are appointed for cleansing the same, *Five Shillings per Diem* each, for every Days Service therein: And they shall be supported by all Ministers of Justice in this Colony, by all lawful Means.

AND be it further Enacted by the Authority aforesaid, That the Assistants of the Town of Providence, shall appoint meet Persons in that Town, to Air and Cleanse all Goods, that shall be Imported into the same as aforesaid.

Assistants of Providence to appoint meet Persons in that Town.

AND the Commanders or Masters of all Ships or other Vessels, that shall come into any Port of this Colony, from Boston, or any other Port in the Province of the Massachusetts-Bay, where the Small Pox is or shall be prevalent, shall not come to Anchor within one Mile of any Pier, Ferry Place, or publick Landing Place, or Land any Person or Persons from on Board any such Vessel, without leave first had and obtained, on the Penalty of *One Hundred Pounds* for every Master or Commander, (pursuant to an Act of this Colony, made and past the 27th. Day of February, 1711.) to and for the Uses mentioned in the said Act, and to be recovered in manner and form as is therein expressed.

No Vessels coming from Boston, &c. to come to Anchor within one Mile of any publick Landing place, on the penalty of *One Hundred Pounds*.

AND be it further Enacted by the Authority aforesaid, That all Persons whatsoever (the Post only excepted) that shall come into this Colony, from the Town of Boston, or any other Town of the Province of the Massachusetts-Bay, where the Small Pox is or shall be prevalent, without remaining *Five Days* at the Borders of the Colony, (after their Arrival there) before their Entering into this Colony, shall Forfeit for such Offence *Forty Shillings*, to and for the Support of the Government, upon legal Conviction thereof, before any two Assistants or Justices of the Peace of this Colony, who are hereby Impowered to hear and try the same.

Travellers from Boston, &c. to remain *Five Days* on the Borders of the Colony, on the penalty of *Forty Shillings*.

AND be it further Enacted by the Authority aforesaid, That all Persons that keep Publick Houses in this Colony, or Boarders in their Houses; shall upon any Persons being taken sick in their Houses, acquaint the Authority of the Town wherein they Dwell, of any such Persons being sick; that the Authority may examine and see whether it be the Small Pox they are visited with, or not, on the penalty of *Five Pounds*, for every such Offence, that shall be committed by any Person contrary thereunto, to and for the Support of the Town where such Offence shall be committed; to be Recovered by the Town Treasurer of such Town, at the General Court of Tryals, by Bill, Plaint or Information.

Notice to be given of Persons taken sick, in publick Houses, &c. On the penalty of *Five Pounds*.

Inmates and
Boarders to be
remov'd when
sick of the
Small Pox, &c.

AND be it further Enacted by the Authority aforesaid, That the Assistants and Justices of the Peace of any Town in this Colony, or any one of them, are hereby Impowered and Required, to move any Inmates or Persons that Board in any publick House, or other House, upon their being taken Sick with the Small Pox, or any other Contagious Distemper, to any such Place as they shall think needful to prevent the spreading of the same.

L A W S,

Made and Pass'd by the General Assembly of his Majesty's Colony of Rhode-Island, and Providence-Plantations, held at Warwick the last Wednesday of October, 1721.

An Act to redress the Misemployment of Lands, Goods, and Stocks of Money, heretofore given to certain Charitable Uses.

FORASMUCH as certain Lands, Tenements and Hereditaments, and the Profits of the same, and also Stocks of Money, Chattels, and the profits thereof, have heretofore been given, limited, appointed and assigned by several well disposed Persons, to and for the Relief of the Poor, and bringing up of Children to Learning; which Lands, Tenements, Hereditaments, Rents and Profits of the same, and also Goods, Chattels, and Stocks of Money, and the Profits thereof, nevertheless have not been employed according to the charitable Intent of the givers and founders thereof, by Reason of Frauds, Breaches of Trust, and Negligence in those that should Pay, Deliver, and Improve the same for the Uses design'd.

For Redress and Remedy whereof,

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That it shall and may be Lawful to and for each respective Town Council within this Colony, as need shall Require, within their respective Jurisdictions, to enquire, as well by the Oaths of Twelve Lawful Men, or more, of such Town, as by all other good and Lawful ways and means, of all and singular such

such Gifts, Limitations, Assignments and Appointments afore-
said; and of the abuses and breaches of Trust, Negligence,
Misemployments, not Employing, Concealing, Defrauding and
Misconverting, or Misgovernment of any Lands, Tenaments,
Hereditaments, Rents, Profits, Goods, Chattels and Stocks of
Money, and the Profits thereof, heretofore Given, Limited,
Appointed, or Assigned, or which hereafter shall be Given,
Limited, Appointed, or Assigned, to and for any of the Cha-
ritable and Godly Uses aforesaid, Yearly, or as often as to
them shall appear requisite and needful.

Town Councils
impower'd
to enquire into
the Improve-
ment of Lands,
&c. given for
Charitable
Uses.

AND after the Town Council, (upon calling the Parties
intrusted with any such Lands, Tenaments, Hereditaments, and
the Rents and Profits thereof, or with any such Goods, Chat-
tels, or Stocks of Money) shall make Enquiry by the Oaths
of Twelve good and lawful Men, of the said Township (where-
unto the said Parties intrusted shall and may have and take
their lawful Challenge or Challenges) they are hereby Im-
powered, upon such Enquiry, Hearing and Examination thereof,
to set down such Orders, Judgments and Decrees, that the
said Lands, Tenaments, Hereditaments, Rents, Goods, Chattels,
Stocks of Money, and the Profits thereof, may be duly and
faithfully employed, to and for the Charitable Uses and Intent
of the Donors and Founders thereof: Which Orders, Judg-
ments and Decrees, not being contrary or repugnant to the
Orders, Statutes and Decrees of the Donors or Founders, shall
by the Authority of this present Assembly, stand firm and
good, according to the Tenor and Purport thereof; And shall
be Executed by the Sheriff of this Colony, for the time being
accordingly, until the same be altered or undone by the Go-
vernour and General Council of this Colony for the time be-
ing, upon Complaint by any Party agrieved made unto
them.

Town Coun-
cil's Orders to
stand good un-
til alter'd by
the Governour
and General
Council.

AND it is further Enacted by the Authority aforesaid, That
upon the finding any such breach of Trust, Negligence, Mis-
employment, Mismanagement, or Under-renting any such Lands,
Tenaments, Hereditaments, Rents, Profits, Goods, Chattels, or
Stocks of Money, Judgments and Executions shall be given
forth by the said Town Council, against the Misemployers,
Mismanagers and Misimprovers of the same; And the same
shall be Levied out of their Estates: And for want of suffi-
cient Estate of theirs to be found, to satisfy and pay the same,
they shall be committed to His Majesty's Goal, until the same
be satisfied and paid, and a just Distribution thereof be made,
according to the true Intent and Meaning of the Donors or
Founders.

AND be it further Enacted by the Authority aforesaid, That
it shall and may be Lawful, to and for any Person or Persons
agrieved at any Sentence, Order, Judgment or Decree of any
Town

Persons agree-
ved to Appeal
to the Govern-
our and
Council.

Town Council, in any of the Cases aforesaid, to Appeal from such Sentence, Order, Judgment or Decree, unto the Governour and Council of this Colony for the time being, as in other Cases is usually allowed; who are hereby impowered to Alter, Mitigate, Reverse, or Confirm such Sentence, Order, or Judgment of such Town Council, and to give a new and final Judgment and Determination in said Case, as they shall think fit and agreeable to Equity and good Conscience, according to the true Intent and Meaning of the Donors or Founders thereof; and shall tax and award good Costs of Suit, by their Directions, against such Persons as they shall find to Complain unto them, without sufficient cause, of the Orders, Judgments and Decrees aforementioned.

Bond to be
given to pro-
secute the Ap-
peal.

PROVIDED always, That the Party or Parties desiring an Appeal from such Town Council, to the Governour and General Council of this Colony, do the same Day such Order, Sentence, Judgment or Decree is given, request that such his or their Desire be entred in the Records of said Court, and within ten Days after Judgment give sufficient Bond to the Clerk of said Council for the time being, with sufficient Sureties to prosecute his, her or their Appeal with Effect, and to stand and abide such Final Judgment as shall afterwards be given in said Cause; or otherwise such Person or Persons shall loose his, her or their Advantage of Appeal as aforesaid.

And in the
mean time the
Town Coun-
cil's Order to
be suspended.

AND in the mean time such Sentence, Order, Judgment or Decree of such Town Council shall be suspended, and Execution stopped thereupon: Any thing in this Act before contained to the contrary hereof in any wise notwithstanding.

Repeal'd.

An Act for Tolling of all Horses, Neat Cattle, Sheep and Swine, drove by all Drovers through this Colony, into the Massachusetts Province.

LAWS,

L A W S,

Made and past by the General Assembly of His Majesty's Colony of Rhode-Island and Providence-Plantations, Held at Newport, the First Wednesday of May, 1722.

An Act for continuing an Act, Entituled, *An Act to prevent the Small Pox from being brought into this Colony from the Town of Boston, &c.*

BE IT ENACTED by the General Assembly, and by the Authority thereof, That an Act of Assembly passed in this Colony on the Tenth of August last past, Entituled, *An Act to prevent the Small Pox from being brought into this Colony from the Town of Boston, &c.* (in which said Act, all Goods that are Imported into this Colony from the Town of Boston, or any other Town in the Province of the Massachusetts-Bay, where the Small Pox is or shall be prevalent, are ordered to be Aired and Cleaned, as by said Act is required) be still continued, and it is continued accordingly.

AND it is also further Voted and Enacted, That it shall and may be lawful to and for the Governour, Deputy Governour, Assistants or Justices of each respective Town, to appoint any Person or Persons as they shall judge meet and suitable, in their respective Towns wherein they Dwell, to Air and Cleanse such Goods as shall be Imported into this Colony from the Massachusetts-Bay as aforesaid.

Goods Imported from the Massachusetts-Bay to be Aired. Vide p. 119.

AND it is also further Voted and Enacted, That all such Goods, Wares and Merchandize, that shall be Imported into any Town of this Colony, and by the Authority of such Town shall be judged to be Goods that will not hold or retain any Infection, that then it shall and may be Lawful for such Authority to Deliver such Goods, Wares or Merchandize, forthwith to the Owner or Owners thereof, without Airing or Cleansing them: Any thing in the aforesaid Act, or above-written, to the contrary hereof, in any wise notwithstanding.

Goods not retaining Infection to be delivered to the Owners.

An Act for Settling a Sallary upon the Deputy Governour of the Colony for the time being.

Deputy Governour to have Thirty Pounds per Annum.

BE IT ENACTED by the General Assembly, and by the Authority thereof, That the Deputy Governour of this Colony for the time being, be allowed *Thirty Pounds* per Annum, as a Salary for his said Office, out of the General Treasury of this Colony.

An Act for the Dividing of the Town of Kingstown into two Towns, by the Names of North and South Kingstown.

FORASMUCH as the Town of Kingstown is very large and full of People, so that it is found convenient for the ease of the Inhabitants, and Dispatch of Business to divide the same into two parts, and make two Towns thereof.

Kingstown Divided.

BE IT THEREFORE Enacted by the Authority of this Assembly, That the Town of Kingstown be Divided and made into two Towns, by the Names of North and South Kingstown; And that each of them have one Assistant, and the like Priviledges as other Towns in this Colony have and do enjoy.

LAWS,

L A W S.

Made and pass'd by the General Assembly of His Majesty's Colony of Rhode-Island and Providence-Plantations, Held at Newport, the Last Tuesday of August, 1722.

An Act in Addition to an Act, Entituled, *An Act for preventing Damage to be done by Firing the Woods in any Town of this Colony.*

FORASMUCH as the Penalty in said Act for those that are found guilty of Firing the Woods, is found to be so small, that many Persons Fire the same notwithstanding; whereby great Damage is yearly done to many Persons.

For the preventing whereof for the Future,

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That whosoever shall be convicted of Firing the Woods, contrary to the aforesaid Act, shall Forfeit Ten Pounds for every such Offence, to and for the Use of such Town, where such Offence shall be committed, to be recovered at the General Court of Tryals, by Bill, Plaint or Information, by the Attorney General, together with the Incident Charges accruing thereon: And if such Persons as shall be convicted as aforesaid, shall have no Personal Estate to satisfy and pay the same, that then such Persons shall be Imprisoned for such Offence, at the Discretion of the Judges of such Court, not exceeding three Months, or be Whipt not exceeding Thirty Nine Stripes Any Law, Custom or Usage, to the contrary hereof, in any wise notwithstanding.

*Vide p. 11.
Persons Firing
the Woods to
Forfeit Ten
Pounds.*

*Or be imprisoned
and
Whipt.*

An

An Act for Enlarging the Sheriff's Fees,

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That the Sheriff of this Colony shall have the same Fees allowed him for attending the General Assembly, as the Recorder hath.

L A W S,

Made and Past by the General Assembly of his Majesty's Colony of Rhode-Island, and Providence-Plantations, held at Newport, by Adjournment, the last Tuesday of February, 1722.

An Act for Regulating the Return of Writs of Arrest and Summons.

WHEREAS through the Neglect and Carelessness of several Deputy Sheriffs of this Colony, in not making due Return of such Writs as have been committed to them to serve, many Persons have sustained great Damage in their Causes, by Reason their Attorneys have not had sufficient time to Inform themselves in said Causes, and to Draw and File their Declarations in due time.

Therefore for the Remedy thereof for the Future.

BE IT ENACTED by the General Assembly, and by the Authority of the same it is Enacted, That if any Deputy Sheriff within this Colony, shall hereafter Omit or Neglect to make a due and true Return of such Writ or Writs, as shall from time to time be committed to them to Serve, in any Action to be Tried at the General Court of Tryals in this Colony, within the space of Ten Days next and immediately after the time appointed by Law for Serving said Writs is expired, that such Deputy Sheriff shall Forfeit and Pay to the Plaintiff in such Action, for every Days Neglect or Default, until

Under Sheriffs
to return
Writs, &c.,
within Ten
Days after
the time of
Arresting.

until such Writ be returned to the Sheriff of this Colony, the Sum of *Five Shillings per Day*, to be Recovered by Action of Debt, to be brought by such Plaintiff in any of His Majesty's Courts within this Colony, proper for the Tryal of the same.

A L A W.

Made and past by the General Assembly of His Majesty's Colony of *Rhode-Island* and *Providence-Plantations*, Held at *Newport*, the First *Wednesday* of *May*, 1723.

An Act in Explanation to an Act for the Probate of Wills and Granting of Administration, made and past in the Sixteenth Year of King *Charles* the Second. Repeal'd.

A L A W,

Made and Past by the General Assembly of His Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Newport* by Adjournment, the Eighteenth Day of *June*, 1723.

An Act for preventing the Purlloining of Fish caught in any Pots, Wairs, Nets, &c.

BE IT ENACTED by the General Assembly and by the Authority thereof, That if any Person or Persons shall be found Robbing or Drawing any Fish-Pots, Wairs or Nets, within
O o this

No Person to
draw any Fish-
Pots, &c. un-
der the Penal-
ty of Forty
Shillings.

Government, they shall be liable to be Sued by the Owner or Owners of such Pots, Wairs or Nets; And upon due Proof thereof, shall pay to the Owners of such Pots, Wairs or Nets, the Sum of *Forty Shillings*, to be Recovered before any two Assistants, Justices of the Peace, or Wardens, of each respective Town within this Colony.

L A W S,

Made and Passd by the General Assembly of his Majesty's Colony of Rhode-Island, and Providence-Plantations, held at *Newport* the Twenty Sixth of November, 1723.

An Act for Enlarging the Attorney General's Fees.

BE IT ENACTED by the General Assembly, and by the Authority thereof, That the Attorney General shall have *Three Shillings per Diem*, added to his Fees for attending the Court of Tryals, and *Six Shillings per Diem* for his Attendance on the General Assembly; and that he shall have *Thirteen Shillings and Four Pence* more than his former Fees, for every Bill of Indictment drawn and traversed.

An Act for Stating the Price of Carriage or Transportation over the Ferry between *Portsmouth* and *Bristol*.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That the Price for Transportation of every Horse and his Load from *Portsmouth* to *Bristol*, shall be *Six pence*, and for every single Person

Person Three Pence : Any Law, Usage or Custom, to the contrary hereof, in any wise notwithstanding.

L A W S,

Made and pass by the General Assembly of His Majesty's Colony of Rhode-Island and Providence-Plantations, Held at Newport, the Third Tuesday of February, 1723.

An Act for Directing the Admitting Freemen in the several Towns of this Colony.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That from and after the Publication of this Act, no Person whatsoever shall be admitted a Freeman of any Town in this Colony, unless the Person admitted be a Freeholder of Lands, Tenaments, or Hereditaments, in such Town where he shall be admitted Free, of the Value of One Hundred Pounds, or to the Value of Forty Shillings per Annum, or the Eldest Son of such a Freeholder : Any other Act, Custom or Usage, to the contrary hereof, notwithstanding.

Who are to
be admitted
Freemen.

An Act for the speedy Recovery of Costs, in all Cases discontinued.

BE IT ENACTED by the General Assembly, and by the Authority thereof, That in all Cases where any Person or Persons shall be Arrested, and the Plaintiff enters a Declaration, and after withdraws or discontinues his Action, the Defendant or Defendants shall have their Costs taxed, at such Court to which they were to appear by their being Arrested.

Defendant to
have Costs
taxed.

L A W S,

L A W S,

Made and Past by the General Assembly of his Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, held at *Newport* the Twenty Third Day of *June*, 1724.

An Act in Explanation of an Act, Entituled, *An Act for the Protection of the Members of the General Assembly, and Persons chosen on Juries, from being Arrested or Sued during Service*, made in the Eighteenth Year of King *Charles the Second*.

WHEREAS there is an Act of the General Assembly of this Colony, made and past in the Year 1666, wherein and whereby it is Enacted, That the Deputies and Jurors of the several Towns within this Colony, and their Estates, shall be free and exempt from all Summons, Arrests, Attachments and Executions whatsoever, from the time of their being chosen, until they are dismissed from such Service; which by long Experience, is found to be prejudicial to many of the Inhabitants of this Colony, who have been thereby oftentimes kept out of their just Dues, to their great Hurt and Damage.

For the preventing whereof for the Future,

Deputies and Jurors exempted from Arrests during the Sitting of the Court, and three Days before, and three after.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That all Persons that are chosen Deputies or Jurors of the several Towns in this Colony, and their Estates, shall be free and exempt from all Writs of Summons, Attachments, Arrests and Executions whatsoever, during their Sessions, and three Days before, for their coming to the Assembly, and three Days after, for their return Home, and no longer. Any other former Law, Usage or Custom, to the contrary hereof, in any wise notwithstanding.

An

An Act in Explanation of an Act, Entituled *An Act to prevent Indians being Sued for Debt.*

WHEREAS the Act of Assembly made and past May the 7th. 1718, whereby Indians are exempted from being Sued for Debt, has been misconstrued, and extended to the exemption of all Indians from any manner of Action or Suit, to the great Damage of sundry Persons dealing with them.

BE IT THEREFORE Enacted by the General Assembly of this Colony, and by the Authority of the same, That the aforesaid Act of Assembly, in that particular Clause relating to Actions of Debt, shall hereafter be construed to extend to the present Family of *Ninigret*, the late Indian Sachem, deceased, and to those that shall be of his Race, and to no other Indian whatsoever; and that all other Indians (excepting for strong Liquors and Tavern-scores) shall and may be subject to Actions of Debt, and all other Actions, in the same manner as other Subjects are: Any Law, Usage or Custom to the contrary, in any wise notwithstanding.

Ninigret and his Family only exempted from being Sued.

A L A W,

Made and Past by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Providence, the Last Wednesday of October, 1724.

An Act for Prohibiting the Tearing of Bills of Credit.

WHEREAS the Custom of tearing of the Bills of Credit, and passing them in Halves and Quarters, has been of late introduced in this Colony, and much practiced, which if not timely prevented, will be of great Damage to the publick, by abating the

Credit of said Bills, as well as by putting the Colony to unnecessary Charges in Re-printing the same.

None to tear
any Bills, on
the Penalty of
Ten Shillings.

BE IT THEREFORE Enacted by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That no Person within this Government, upon any pretence whatsoever, (from and after the first Day of January next ensuing) shall tear, utter, or pass away any Bill so torn, or any Bill patched up and compiled of more than one sort, be the same of either of the Governments of New-England, knowing the same to be torn, patched up, or compiled as aforesaid, (excepting our own Bills to be changed in the General Treasury) upon the penalty of Forfeiting the Sum of Ten Shillings for every such Offence, to be Recovered by any Assistant or Justice of the Peace within this Government, upon Information and Proof, or upon his or their own Knowledge: Any Law, Usage or Custom, to the contrary hereof, in any wise notwithstanding.

L A W S,

Made and pass by the General Assembly of His Majesty's Colony of Rhode-Island and Providence-Plantations, Held at Newport the Twenty Ninth Day of December, 1724.

An Act for Impowering the Town Council to secure the Personal Estate of deceased Persons.

Personal Estate
of the Deceas'd
to be produced.

BE IT ENACTED by the General Assembly, and by the Authority of the same it is Enacted, That from and after the Publication of this Act, all Persons within this Colony, that shall have the Possession of any of the Personal Estate of any Person that shall Decease, shall make Oath, or give their solemn Engagement, before the Town Council of such Town where an Inventory of the personal Estate of such deceased Person

Person shall be Exhibited, that they show all the Personal Estate they have in their Custody or Possession belonging to such Deceased Person.

AND be it further Enacted by the Authority aforesaid, That if any Person or Persons shall Refuse or Neglect to make Oath as aforesaid, before the Town Council, on legal warning had, he, she or they shall be by such Town Council committed to his Majesty's Goal, until Oath be made as aforesaid. Punishment
for Refusal,

An Act in Addition to two Acts, made and past in this Colony in the Year 1715. The one Entituled, *An Act for Emitting Thirty Thousand Pounds in publick Bills of Credit*; and the other Entituled, *An Act for Raising and Emitting Ten Thousand Pounds in publick Bills of Credit on this Colony*. Repealed by an Act, Entituled *An Act for Impressing and Emitting of Forty Thousand Pounds in Bills of Credit of this Colony, by way of Loan*, made and past by the General Assembly of this Colony, held at Newport the last Wednesday of May, 1728.

An Act in Addition to an Act, Entituled *An Act for Raising and Emitting Forty Thousand Pounds in Bills of Credit by way of Loan, in the year, 1721.*

Expired:
Vide the
Act made
A. D. 1729

LAWS,

L A W S.

Made and Past by the General Assembly of his Majesty's Colony of Rhode-Island, and Providence-Plantations, held at Newport the Third Tuesday of June, 1725.

An Act for Enabling the Town of Providence to lay out Highways in said Town.

FORASMUCH as the laying out of Highways in the Town of Providence, according as it hath been practised of late, puts the Town to excessive and needless Charge.

For Remedy whereof:

Indifferent
Persons to be
chosen to lay
out Highways.

IT IS ENACTED by the General Assembly of this Colony, and by the Authority of the same, That it shall and may be Lawful for the Town Council of Providence, to Nominate and Appoint three Indifferent Men, (not Interested or concerned in any such Land, where such Highways are to be run) with one Justice of the Peace, and a Constable, or Town Sergeant of said Town, to lay out Highways from Place to Place within said Town, as need shall require, and to agree with the Owner or Owners, Proprietor or Proprietors of such Lands, that such Highways so laid out shall go through, and if they cannot agree in the Value of the same, then the Town Council of Providence for the Time being, shall set a Price upon such Land so taken off by said Highway, and the Damage that the said Way doth in cutting said Land, which Sum shall be paid out of the Town Treasury of said Town, with all Charges that shall accrue in laying out said way.

Persons agrieved to have the Way relayed by a Jury.

AND be it further Enacted by the Authority aforesaid, That if any Person or Persons shall be agrieved at the proceedings aforesaid, then and in such Case, the Person or Persons so agrieved, shall and may have Liberty to have the said Way relayed by a Jury according to the present Law of this Colony.

PRO-

PROVIDED, That such Person or Persons will be at the Charge of the Jury, and also pay all other Charges that shall accrue by relaying the said Way, if the Jury shall not alter the same: But if the said Way be altered, the Charge to be paid out of the Town Treasury. And the other way that was before layed out, as above said, shall return to the Owner or Owners thereof again. Provided,

Always Provided, That the Land where the way goes, shall be paid for out of the Town Treasury. Provided

AND in case the Person or Persons that shall be agrieved by the laying out of the Way through his or their Land, shall not make his or their Complaint thereof at the next succeeding Town Council, after such Way is laid out, that then he or they shall be for ever after excluded and barred from having the said Way relayed out by a Jury: Any other Law, Custom or Usage, to the contrary hereof, in any wise notwithstanding. Complaint to be made at the next succeeding Town Council.

An Act for preventing of Vexatious Suits. Repeal'd by an Act made and pass the last Wednesday of October, 1725, Entituled, *An Act in addition to an Act, Entituled, An Act to prevent Vexations Suits.*

An Act for the regulating of the Taxing of Bills of Cost at the General Court of Tryals.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That all Bills of Cost shall be taxed within Ten Days after the Rising of each respective General Court of Tryals, and that the Attorneys have their Bills of Cost Examined by the Recorder before Taxed, who shall have Twelve pence for each Bill by him Examined. Bills of Cost to be taxed within Ten Days after Court, and examined by the Recorder.

An Act for preventing of Vexatious Suits, in Actions
not exceeding *Forty Shillings*.

Plaintiff to
annex his Ac-
count to the
Warrant.
Defendant
estopped from
bringing cross
Actions.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That in all Cases where any Person shall arrest any other, in an Action of Debt or Case, for Goods, Wares and Merchandize sold, Work done, &c. the Plaintiff shall annex his Account of Debt and Credit to the Warrant; And the Defendant shall be estopped from bringing a cross Action against such Person so doing, and may bring his Account of the Charge of Debt that he hath against the Plaintiff, into Court, where such Action shall be Tried; where the Defendant shall have the full Credit of his just Accompt, and the Accompts of each Party shall be Settled and Ballanced by the Judges of said Court. And if the Plaintiff be found in Debt to the Defendant, the Defendant shall Recover his Costs, (unless the Plaintiff hath offered to account with the Defendant, and the Defendant refused) and have Liberty to bring his Action against the Plaintiff, or Person Suing him for the Ballance that shall be due to him, and the Justice shall be paid for annexing the Accompt not above *One Shilling*: Any former Law, Custom or Usage, to the contrary hereof, in any wise notwithstanding.

An Act for docking and cutting of Estates Tail, pur-
suant to the Laws of Great Britain.

WHEREAS by the Laws and Statutes of Great Britain, it is the undoubted Right of all His Majesty's Subjects being seized of Estates Tail, where the Remainder or Reversion is not in His Majesty, or his Heirs and Successors, to dock and cut off such entailed Estates, by a Fine, or common Recovery. And whereas by reason that proper Offices and Officers have not been appointed within this His Majesty's Colony, for the ends and purposes aforesaid, the said Laws and Statutes have been rendered ineffectual, and His Majesty's Subjects seized of such Estates Tail within this Colony, have been deprived of the benefit thereof.

For Remedy whereof,

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is hereby Enacted, That the General Assembly of this Colony, shall from time and time, and

and at all times hereafter, Nominate, Appoint and Constitute, a Cursitor, Prothonotary, Receiver of the King's Silver, Exemption Office, Alienation Office, and all other Offices and Officers, as shall be found needful for the Ends and Purposes aforesaid; and that such Officers as shall be appointed for the same, shall be duly Sworn to the faithful Performance of their Office, according to Law; and that all such Fines and common Recoveries, suffered and prosecuted at the General Court of Tryals within this Colony, shall be as effectual in the Law for docking and cutting off Estates Tail, within the Jurisdiction of the same, as Fines or common Recoveries are within the Kingdom of Great Britain, when suffered or done in the Court of common Pleas, or any other His Majesty's Courts of Record there: Any Law, Custom or Usage in this Colony, to the contrary in any wise notwithstanding.

General Assembly to appoint proper Officers and Officers for docking Estates.

L A W S,

Made and Past by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Warwick, the Last Wednesday of October, 1725.

An Act in Addition to an Act, Entituled *An Act for preventing of cross Actions.*

Repeal'd.

An Act in Addition to an Act, Entituled, *An Act for the better preventing of Drunkenness.*

WHEREAS there was an Act of Assembly past in this Colony, the First Wednesday of May, A. D. 1721, Entituled, An Act for the better preventing of Drunkenness; wherein amongst other things it is Enacted, That if any Person be by the Town Council posted as a common Drunkard, all Persons of said Town are strictly prohibited from selling or sending

19

to such Persons so posted, any sort of strong Liquors whatsoever, upon such Penalties and Pains as in the said Act is mentioned; *Several Persons so posted, going into the Neighbouring Towns, there consume and waste their substance, and impoverish their Families: Whereby the Force and Intent of the aforesaid Act is defeated.*

Whereupon, and for Remedy thereof,

Common
Drunkards to
be Posted in
their Neigh-
bouring Towns

IT IS ENACTED by this General Assembly, That the Town Council of each and every Town within this Colony, after they have Posted any Person as a common Drunkard, may Notify the Town Council of their Neighbouring Towns of the same; who upon such Notifications, are to Post the same in some convenient Place or Places in their Town: Whereupon the Inhabitants of such Town, shall be restrained from Selling or Vending to such Person so Posted, any strong Liquors of any sort whatsoever, as much as the Inhabitants of such Town are, where such posted Persons live. And if any Person shall presume to do contrary hereunto, such Person so doing, upon conviction thereof, shall suffer such Penalties and Pains, as in the aforesaid Act is set upon such Offender or Offenders, and to be Recovered in the like manner.

A L A W,

Made and Past by the General Assembly of his Majesty's Colony of Rhode-Island, and Providence-Plantations, held at Newport the Tenth Day of January, 1725.

An Act in Addition to an Act, made and past in the Eighteenth Year of King Charles the Second, Entituled, *An Act for the regulating of Fences throughout this Colony.*

What Stone-
Wall Fence
shall be ac-
counted Law-
ful.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That a Lawful Stone-Wall Fence shall be Four Foot high, with a flat Stone hanging over on the Top thereof, or a good Pole or Raille thereupon, well Staked, or well Secured with Crotches or Posts, or a Stone Wall Four Foot and a half high, without

a Pole, Rail, or flat Stone on the Top, and no other: And that all Stone Walls so built and kept, shall be deem'd a sufficient Fence against all Creatures whatsoever.

L A W S,

Made and pass'd by the General Assembly of His Majesty's Colony of *Rhode-Island and Providence-Plantations*, Held at *Newport* the Third Day of *May*, 1726.

An Act for the Regulating of Millers in their taking of Tole.

WHEREAS there is no particular Laws of this Colony, for the Regulating Millers in their taking Tole out of the Corn or Grain by them ground; whereby poor People often times suffer, by having exorbitant Tole taken from them.

For Remedy whereof,

BE IT ENACTED by the General Assembly, and by the Authority of the same it is Enacted, That from and after the Publication thereof, no Miller, or Person taking Corn or Grain to grind, shall upon any pretence whatsoever, take more Tole for the grinding of the same, than a Sixteenth part, or Two Quarts for grinding a Bushel, and so proportionably for a greater or lesser Quantity; upon the Penalty of Forfeiting a Fine of *Twenty Shillings* for each Offence, the one half thereof to the Informer, and the other half for the Use of the Town where such Offence shall be committed; the Offender to be Tryed before any one Assistant, or Justice of the Peace of such Town where such Offence shall be committed: And the Party offending, shall be liable to pay the Party aggrieved his Lawful Damages, excepting where any Miller, or Person Erecting a Mill, shall for some Reason make a particular Contract with any Town or Person, for greater Tole; then such Miller, or Person tending such Mill, shall not be Liable to such Penalty, except he or they exceed the Tole contracted for.

No more Tole to be taken, than a Sixteenth part. On the penalty of *Twenty Shillings*.

Unless by contract with any Town or Person.

Grain to be
ground for
each Person in
their Turn.

AND be it further Enacted by the Authority aforesaid, That all Millers, and Persons tending Mills, shall make good Meal, according to custom, and grind for each Person bringing Corn or Grain to be ground, in their turn, without Distinction, upon the penalty abovesaid, to be recovered in manner as abovesaid, and applied one half to the Informer, and the other half to and for the Use of the Town where such Offence shall be committed.

An Act for Raising of Jurors Fines.

WHEREAS Jurors Fines are so low that when Men of any Interest or Estate are Chosen Jurors, they refuse and neglect to appear; whereby the Courts are very much retarded in their Business, and some times it causes very slender Furies.

For preventing whereof for the future,

Juror's Fine,
Thirty Shillings.

Talefmen's
Ten Shillings.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is hereby Enacted, That every Juror that is chosen to serve on the Jury at any General Court of Tryals, who shall refuse or neglect to give his Attendance there accordingly, shall pay as a Fine for the same, Thirty Shillings, to be Levied in manner as afore has been used and accustomed in this Colony: And every Talefman that shall be returned by the Sheriff or his Deputy, shall, if he neglect or refuse to serve, pay a Fine of Ten Shillings, to be Recovered as abovesaid; the one half of all such Fines to be paid into the General Treasury, to and for the Use of the Colony, and the other half to belong, one Moiety thereof, to the Court, and the other Moiety to the Sheriff: Any Law, Custom or Usage, to the contrary hereof in any wise notwithstanding.

AND be it further Enacted by the Authority aforesaid, That the Jury shall for every Action or Cause by them Tryed, have Twenty four Shillings, that is to say, Two Shillings for each Juror.

LAWS,

L A W S,

Made and Past by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, held at Newport, by Adjournment, the Fourteenth Day of June, 1726.

An Act for calling in the Five Pound and Forty Shilling Bills, Emitted in the Years 1715, and 1721.

WHEREAS it appears, that some Persons have Counterfeited the Bills of publick Credit emitted by this Colony, and particularly the Five Pound Bills and the Forty Shilling Bills, of the new Impressions of this Colony, emitted in the Year, 1715, and in the Year, 1721, in Imitation whereof, those wicked Persons have Engraved a Plate, and uttered some Forged Bills stamped therefrom; the Consequence whereof, may prove very Injurious to the Currency of said Bills.

BE IT THEREFORE Enacted by the General Assembly of this Colony, and by the Authority thereof it is Enacted, That the aforesaid Five Pound and Forty Shilling Bills, Impressed from the aforesaid Plates, in the Years 1715 and 1721, by this Government, be called in, and returned into the General Treasury of the Colony, by the First of May next ensuing, which will be in the Year of our Lord, 1727.

Five Pound and Forty Shilling Bills called in by the First of May, 1727.

AND from and after the said First Day of May next, the Currancy of the said Five Pound and Forty Shilling Bills shall be stopped; and they shall thereafter for ever be rendred insufficient to pass from Man to Man, as Money, as they have been hitherto Authorized and Received to pass.

And forbidden to pass after that time,

AND all such Bills of the aforesaid Impression of Five Pounds and Forty Shillings, that are returned into the General Treasury aforesaid, that are Genuine and not Forged, shall be changed; And the Persons bringing them shall have other Bills equivalent, in Lieu thereof.

The true Bills to be changed.

An

An Act for the Limitation of personal Actions, as they are Limited to be brought within a certain Term of Years, in the Statute of the 21st Year of King James the First, and Chapter the 16th; And for putting the said Statute in full Force, and Limiting said Actions in this Colony.

Statute of Limitation in force in this Colony.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That from and after the end and time of Six Months after the Adjournment of this Assembly, the aforesaid Statute of Limitation, made in the Twenty first Year of King James the first, and Chapter the Sixteenth, for the Barring of all Actions of the Case, Trespass, Detinue, &c. as in the said Statute is expressly mentioned, after such times as are therein Limited, shall be in full Force, Strength and Authority in this Colony, to bar all such Actions of the Case, Trespass, Detinue, &c. as fully and amply, as they are in and by the said Statute Barred: Any Act, Custom or Use, to the contrary hereof, in any wise notwithstanding.

A L A W.

Made and past by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Providence, the Last Wednesday of October, 1726.

Repeal'd.

An Act in Addition to an Act made and past in this Colony on the Sixteenth Day of June, Anno Domini, 1719. Entituled, *An Act stating Fees for the Collector in this Colony.*

L A W S,

L A W S,

Made and Past by the General Assembly of his Majesty's Colony of Rhode-Island, and Providence-Plantations, held at Newport, by Adjournment, the Thirteenth Day of June, 1727.

An Act in addition to an Act, for Regulating the Ferries.

THIS Assembly having been informed, that several Members thereof have lately been Imposed upon by Persons keeping the Ferries, who (notwithstanding the Act of Assembly's declaring them Ferriage free,) have exacted Ferriage for the Horses of such Members, repairing to and from the General Assembly.

For the more effectual preventing whereof for the future,

BE IT ENACTED by the General Assembly and by the Authority thereof it is Enacted, That no Ferryman whatsoever within this Government; shall Exact, Demand, or Require Ferriage, for the Transportation of any Member of the aforesaid General Assembly, General Court of Tryals, or of any Juryman, going to or from said Court, or for any Horse such Member or Person shall have with him, for his ease and Transportation from his place of Abode to said Assembly, or Court, or from thence home, upon the Penalty and Forfeiture of the Sum of Forty Shillings, to be recovered upon Information made before any One of His Majesty's Justices of the Peace, or Wardens, where such Offence is committed, one half to the Informer, and the other half to be paid into the General Treasury: Any Law, Custom or Usage, to the contrary hereof, in any wise notwithstanding.

Members of the Assembly, Court of Tryals, and Jury-men, with their Horses, transported Ferriage free.

An Act for Repealing an Act, made and past in the 21st Year of King Charles the Second, Entituled, *An Act directing what Bonds the Sheriff shall take, of persons Arrested in Civil Actions.*

WHEREAS the Act of the General Assembly of this Colony, directing what Bonds the Sheriff shall take in Civil Actions, Dated the 21st of King Charles the Second, has by experience proved very hurtful and prejudicial to sundry People, by evil minded Persons running themselves in Debt, and sheltering themselves under a small freehold.

Sufficient
Bond to be
taken,

BE IT THEREFORE Enacted by the General Assembly of this Colony, and by the Authority thereof it is Enacted, That the aforesaid Act be Repealed, and rendred Null and Void; and that the Sheriff and his Deputies, in taking Bonds as aforesaid, be governed and Act pursuant to the Law of England, by taking good and sufficient Security: Any Law, Custom or Usage, to the contrary hereof, notwithstanding.

L A W S.

Made and past by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Warwick, the Last Wednesday of October, 1727.

An Act in addition to an Act, for Recording Marriages, Births and Burials.

WHEREAS there is an Act of the General Assembly of this Colony, made in the Year 1701, Requiring all Marriages, Births and Burials, to be Recorded in manner as is therein expressed, and upon the Pains and Penalties therein contained, which has proved ineffectual hitherto, to compel Persons to Register their Marriages.

Marriages, and the Births and Deaths of their Children or near Relations, by reason the Town Treasurer, who is not the Recorder of such Marriages, Births and Burials, was Impowered to Sue for the same.

For remedying whereof for the future,

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That the Town Clerk of each respective Town in this Colony, be, and he is hereby Authorized and Impowered, to Sue for and Recover of all and every Person or Persons, that shall refuse or neglect to Register his or their Marriage or Marriages, or the Birth or Death of his or their Children, as by the aforesaid Act is enjoyned, and on the same Penalties, the one Moiety to be to and for the Town Clerk if he Sues for the same, and the other Moiety to and for the Use of the Town to be Recovered before any Justice of the Peace, Warden, &c.

Town Clerk
to Sue for Pen-
alty for neg-
lecting to Re-
gister Marri-
ages, &c.

An Act for Enlarging a Trooper's Fine, from Five Shillings for a Days Non-appearance, to Ten Shillings.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That every enlisted Trooper, belonging to any Troop of Horse in this Colony, who shall be legally Cited or Notified to meet and Troop, upon any Day or Days, as by Law is required, and shall refuse or neglect to give his appearance at the time and place appointed, shall for every Days defect in not appearing, Forfeit and Pay a Fine of Ten Shillings, to be taken and disposed of as by the former Law of this Colony is Directed and Ordered.

Each Trooper
to pay Ten
Shillings for
Non-appear-
ance.

An

2WAI

An Act in addition to an Act, made in the Sixteenth Year of the Reign of King Charles the Second, Entituled, *An Act for the preventing Illegal and Clandestine Purchases of the Native Indians in this Colony.*

WHEREAS in the aforesaid Act it is Enacted, That no Person or Persons whatsoever, shall purchase any Lands or Islands in this Colony, of or from the native Indians within the same, but only those who are so allowed to do by the General Assembly, upon Penalty of Forfeiting all such Lands or Islands, &c. to this Colony, &c. And on such other Penalties as in said Act is expressed; and no regard is had in the said Act to prevent taking of Leases of the native Indians, or to prevent any other Ways of granting Lands.

No Leases, &c.
to be taken of
the Native In-
dians, without
the Assent of
the Assembly.

BE IT THEREFORE Enacted by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That from and after the publication of this Act, no Person or Persons whatsoever, shall take or receive any Deed of Gift, Grant, Conveyance, Assurance, or Mortgage of any Lands whatsoever, of or from any Indian or Indians, Natives of this Colony, or any Lease or Leases, of, for, or concerning any Land, &c. without the Assent of the General Assembly of this Colony first had and obtained. And any Person doing contrary hereunto, shall Forfeit all such Lands, &c. so given, granted conveyed or assured, and all their Right in Lands so leased, to the Colony, for and toward the Support thereof: And any such Person or Persons offending herein, shall pay a Fine to the Colony to and for the support thereof, not exceeding *One Hundred Pounds*, to be Recovered by the Attorney General for the time being, in any Court of Record within the Colony, by Bill, Plaint or Information, where no Alloit, Protection, or Wager of Law shall be allowed.

L A W S,

Made and pass by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport, the Last Tuesday of February. 1727.

An Act for the Encouragement of Raising and well Manufacturing of Hemp in this Colony.

FORASMUCH as the raising and well Manufacturing of Hemp in this Colony will be of great Service to the same in general, as well as for the Interest of private Persons, and also be a means to encourage the Trade of Great Britain; and there being an Act of Assembly pass in this Colony for the encouraging the same, in the Year One Thousand Seven Hundred and Twenty One, which is since expired; and by experience this Assembly finding it cannot be carried on without due encouragement.

For Encouraging whereof,

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That all Persons whatsoever that Inhabit within this Colony, and shall Sow, Raise and Manufacture any Hemp within this Government, shall have a Premium of Six pence per Pound, for all Hemp by them so Raised and Manufactured, to be paid to the Person or Persons Raising and Manufacturing the same, out of the General Treasury of the Colony, they giving their Oath, or solemn Engagement, before the General Treasurer of the Colony for the time being (who is hereby requited and Impowered to take the same) that the Hemp affirmed by them to be Raised and Manufactured, was Sown, Raised, and Manufactured by them in this Government. And the Persons claiming a Premium as aforesaid, shall produce a Certificate from the Viewers of Hemp, in the Town wherein they dwell, that the same is well Dressed and Manufactured, as in this Act is expressed.

A Premium of Six pence per Pound for all Hemp raised and manufactured in the Colony.

Certificate to be produced, from the Viewers of Hemp.

AND every Town in this Colony, shall at their Town Elections, Annually appoint and choose two able skillful Men, to be Viewers of Hemp within the same; who shall be under

T t

Oath

Viewers of
Hemp to be
Sworn or En-
gaged.

Oath or Engagement, for the faithful Performance of their Office, and shall be paid by those that Improve them to View and Certify the well Manufacturing of Hemp, *Six pence* per Hundred, for all Hemp by them Viewed and Certified as aforesaid: And *Pro Rato* for all smaller and greater Quantities.

What Hemp
shall be certi-
fied to be good.

AND be it further Enacted by the Authority aforesaid, That all Hemp that is bright, well cured, Water rotted, and well cleansed, and three Foot long and upwards, and no other, shall be Deemed and Certified to be well Manufactured and Merchantable Hemp by the Hemp Viewers.

AND be it further Enacted by the Authority aforesaid, That this Act shall be of Force for Seven Years from the Sessions of this Assembly, and no longer.

An Act Enabling the Town Council of each respective Town in this Colony, to receive or reject any Persons from being Inhabitants in the same.

WHEREAS it happens oftentimes that diverse Vagrant and Indigent Persons, as well as others, get into the several and respective Towns within this Colony; and are by some of the Inhabitants thereof, (to the great prejudice of others) entertained and sheltered some considerable time, before the Town Councils have any Knowledge thereof; and oftentimes by their cunning Insinuation, so far prevail upon some of the Inhabitants (who are of a flexible Disposition) as to tender Bonds for them, to the Town Council of the respective Town in which they are. And forasmuch as there is no Law in this Colony, which enables the respective Town Councils to send such Persons as aforesaid out of the several Towns, after sufficient Bond to indemnify such Town from Charge is tendered; yet nevertheless, such profligate Persons, by their corrupt Morals, too often prove pernicious to Towns, in Debauching of Youth, and enticing of Servants to Pilfer and Steal from their Masters, &c.

For Remedy whereof,

Town Coun-
cil to allow or
disallow of
Bonds ten-
der'd.

IT IS ENACTED by this present Assembly, and by the Authority thereof, That the Town Councils of each of the Towns within this Colony, be, and they are hereby fully Impowered, upon the Tender of such Bond as aforesaid, for any Stranger that comes into any Town in this Colony, at their Discretion,

to allow or disallow thereof, the Tender of such Bond notwithstanding.

AND it is further Ordered and Enacted, That all Foreigners and Strangers, that hereafter shall come into any Town within this Colony with an Intent therein to Settle, or to continue for any considerable time, shall within one Month's time after his or her so coming into such Town, apply themselves to the Town Council thereof, and inform them of their Intention: And upon any such Person or Persons neglecting to Inform the Town Council as aforesaid, it shall be Lawful for any Assistant, Justice or Warden of the same Town, upon Information thereof given him, by his Warrant to the Constable or Town Sergeant, forthwith to convey such Person or Persons out of said Town.

Strangers to inform the Town Council of their Arrival.

AND it is further Enacted by the Authority aforesaid, That in case any Tavern-keeper, Inholder, Victualler, or other Person whatsoever, Inhabiting in any Town within this Colony, shall Entertain any Family coming out of any other Government, or any other Parts, for more than one whole Week, without giving notice thereof to an Assistant, Justice of the Peace, or Warden of the same Town, that then such Tavern-keeper, Inholder or Victualler, or any other Person or Persons whatsoever so offending, shall pay a Fine not exceeding Forty Shillings for every such Offence, to be Recovered by the Town Treasurer of each respective Town, before two Magistrates, or Justices, or Wardens, to and for the Use of such Town.

Tavern-keepers, &c. to give Notice of Strangers Entertained by them.

AND if any Person shall be sent out of any Town, and disallowed to be an Inhabitant thereof, and shall return again without the leave of the Town Council of such Town, they shall suffer Corporal Punishment, by being Whipt (not exceeding Thirty Nine Stripes) or be Fined, not exceeding Forty Shillings, at the Town Council's Discretion.

Punishment for Persons sent out of any Town, and returning.

An Act for Impressing and Emitting of Forty Thousand Pounds in Bills of publick Credit.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That Forty Thousand Pounds in Bills of Credit be impressed and Emitted by this Government.

Forty Thousand Pounds Emitted.

An

An Act for calling in and sinking the first *Forty Thousand Pounds* in Bills of Credit Emitted by this Colony, in the Year 1715.

Forty Thousand Pounds called in.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority thereof, That the first *Forty Thousand Pounds* in Bills of Credit Emitted by this Colony, in the Year 1715, be called in and sunk, in such manner as the General Assembly shall think proper.

L A W S,

Made and past by the General Assembly of His Majesty's Colony of *Rhode-Island and Providence-Plantations*, Held at *Newport* the first *Wednesday* of *May*, 1728.

An Act for Impressing and Emitting of *Forty Thousand Pounds* in Bills of Credit on this Colony, by way of Loan.

WHEREAS an Act of the General Assembly of this Colony, made the 29th Day of December, 1724, in addition to two Acts made and past in said Colony, in the Year 1715, Orders and Directs the *Forty Thousand Pounds*, being the first Bank emitted in this Government, to be called in out of the Hands of those Persons entrusted therewith, and let out again to other Persons not having before had Money upon Loan, in manner as in and by said Act is expressed: Which affair having been duly weighed and maturely considered, and it appearing, that the ends and purposes for which said Bank was first emitted, was fulfilled and accomplished, and that therefore it is most Consonant to Justice, and most agreeable to the Honour and Integrity of the Government, not to keep out said Bank longer than Necessity required, or to the Prejudice of said Currency,

IT being also in like manner considered, that the Persons who took said Money upon Loan, have been very punctual and exact

in the Payment of the Interest thereof, for the carrying on those wise ends and purposes for which the same was emitted; and that sundry of them by paying Interest as aforesaid, have been so exhausted in their Stock, that for the Government to exact the Payment in of said Bank in compleat Sums at one time, as the same was emitted, would inevitably tend to the Ruin and Destruction of many Families, good Subjects of the King: And the General Assembly aforesaid having a due Regard to the aforesaid Inhabitants of the Government, involved as aforesaid, as well as to the publick Fund of the Colony; and judging it an Infringement upon the Liberties and Priviledges of the English Subjects, to intich the one at the immediate Ruin of the other,

DO ORDER and direct, The calling in and sinking said old Forty Thousand Pound Bank, in and by the following manner and means.

AND it is therefore Enacted, That the aforesaid Act, made the 29th Day of December, 1724, for continuing out the said Forty Thousand Pounds, be, and it is hereby Repealed, made Null and Void, to all Intents and Purposes whatsoever.

AND be it further Enacted by the General Assembly, and by the Authority thereof it is hereby Enacted, That the Forty Thousand Pound Bank, Emitted in the Year 1715, by two Acts of Assembly, one Entituled, *An Act for raising and emitting Thirty Thousand Pounds*; and the other Entituled, *An Act for raising and emitting Ten Thousand Pounds*, be, and it is hereby continued upon Interest, on the same Terms as first Let, for three Years after the Expiration of each particular Mortgage given for the same; and at the end and expiration of which time,

Forty Thousand Pounds Emitted in the Year 1715, continued upon Interest three Years.

IT is hereby Enacted and Declared, That the same shall no longer be continued upon Loan, but shall be paid into the Grand Committee, or Colony Trustees, in the Term and Space of Ten Years, commencing as aforesaid, to be consumed in the presence of the General Assembly, in the following Manner; that is, one tenth part thereof Annually, by each particular Person who hired the same, according to the Sum contained in the respective Mortgages by them given.

AND for the facilitating and making said Payments more Regular and free from Error,

IT is further Enacted, That each Person having of said Money as aforesaid, shall give ten distinct Bonds to the Grand Committee, or other Committees in their Names, for the Sum contained in their respective Mortgage; each Bond to contain one tenth part of the Sum contained in the Mortgage, and one of

Ten distinct Bonds to be given.

U u

said

Sums paid to
be Endorsed.

said tenth parts to be paid Annually, for ten Years, commencing as aforesaid, until the whole of said Bank be paid: And in and upon any Persons discharging and taking up any of said Bonds, the Sum or Sums by him or them paid, shall by one or more of said Grand Committee, be Endorsed upon the back of such Persons Mortgage, until the whole be paid: And when the same shall be effected, by a compleat Payment of the whole Sum, then every such Mortgage Deed shall be discharged, by an Entry to be made in the Margin of the Record, where such Mortgage Deed is Registered, by the Town Clerk of each respective Town.

Committee's
Allowance.

AND it is further Ordered, That the Grand Committee, or Colony Trustees, for their Trouble in receiving said Money, to be paid in as aforesaid, shall take of the Persons paying in the same, Ten Shillings for every One Hundred Pounds, and proportionably for a greater or lesser Sum.

MOREOVER, It is hereby Enacted by the Authority aforesaid, That all the Bonds given for the Payment of the Interest of the aforesaid old Bank Money, be cancelled, and hereby rendered Void, excepting the two first Bonds, given for the Payment of the two first Years Interest, after the Date of the respective Mortgages, which Bonds shall be held good, and paid; and each Person having of said Money as aforesaid, shall give one other Bond, for the Security of the Payment of the full Interest of said Money one Year more, as this Act above expresseth the same to be.

AND whereas the General Assembly of this Colony, at their last Sessions, passed a Vote for the sinking and dissolving the first Forty Thousand Pound Bank, emitted by this Government, which this General Assembly have formed into an Act, and regulated for the effecting thereof: And at this juncture, there being so great a scarcity and want of a proper Medium of exchange, that not only Trade and Commerce, which are the Nerves and Power of the Government, begins in a sensible manner to Decline, Stagnate and Decay; but the publick Affairs of this Colony, of the greatest Importance, and those things whereon depend our Peace and Safety, for want of a proper and sufficient Medium of exchange, cannot be put in proper Order and Regulation; Fort Ann requiring a considerable Sum for the finishing thereof, and Ammunition Stores, and other things necessary are much wanted, especially at this juncture, when the Peace of Europe hath been so long disturbed by an obstinate and powerful Enemy, which must be expelled to affect us in these remote Parts of the World, except God shall please to crown his present Majesty's wise endeavours with success. And that such a Medium of exchange may run through this Government, at this present time, (which portends difficulty and trouble;) and that the Inhabitants of this Government may subsist, & preserve, in some

some measure; their former Station and Commerce; and that those things already begun, for the Defence of our selves and the Neighbouring Governments, may be carried on speedily, and fully perfected, so that we who live in the Face & Front of the Continent of New-England, may be above the fear of any Attack from our Enemies, and in a Capacity to live peaceably and undisturbed.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority thereof it is hereby Enacted, That the Sum of *Forty Thousand Pounds* in Bills of publick Credit, of the same Tenor with those which have been already put forth by this Government, be forthwith Impressed and made, upon the Plates heretofore used by this Colony, and put into the Hands of the six present Trustees of the Colony, called the grand Committee; which said Trustees, or any three of them, have hereby full Power given and granted them, to Sign all the aforesaid Bills, and to Order and Regulate the making of them, of such Denominations as shall to them seem most convenient for the Use aforesaid, not exceeding the aforesaid Sum. And the said Trustees are hereby Authorized to make any further or other Device in the Escutcheon, or other part of said Bills, as they shall judge advantagious for the preventing said Bills from being Counterfeited, and said Committee shall provide all Materials necessary for the making the same.

AND be it further Enacted by the Authority aforesaid, That when and as soon as the said *Forty Thousand Pounds* is made and finished, then the said Bills shall be delivered to the present Trustees, for the respective Towns in the Government, in such manner and proportion as the last *Forty Thousand Pound Bank* was distributed, said Grand Committee taking a Receipt for the same. And the said Bills shall be Let out by the several Committees of the respective Towns, to the Inhabitants of the Colony, primarily, that have not heretofore had any Money of the Colony, upon Loan, or Land Security, in the same way and manner as the last Bank Emitted of *Forty Thousand Pounds* was Regulated and Let out, both for Interest and Security, for the Principal but for the Term of Thirteen Years; and the Regulation of the Sums, shall be the same as the last Bank, that is, no Person to have above *Three Hundred Pounds*, or under *Twenty Five Pounds*, and those Orders and Rules in part, more fully laid down in the former Acts for Letting out Money, are strictly enjoyned.

AND be it further Enacted by the Authority aforesaid, That the aforesaid Committees of the several Towns, shall not Let out any of said Bills of publick Credit to any Person that hired any of the former Bills, for the space of three Months after they receive the same: But if after the Expiration of said

Forty Thousand Pounds Limited.

And delivered to the present Trustees.

None to be Let to any Persons who hired any of the former Bills, until the Expiration of Three Months.

said Term, any shall remain Unhired to such Persons that have not had of the Colony's Money before, then said Committee shall and may hire out the same to any Person in their respective Towns, on good Security, as aforesaid, or return the same to the aforesaid Grand Committee, who shall discharge them therefrom.

AND it is further Ordered, That Mr. Samuel Vernon be by the Grand Committee impowred to Impress said Bills.

An Act for Recording of Fines and common Recoveries,

FOR the appeasing of Suits, the avoiding of false Practices, Deceits, Devices and Misdemeanours, and for helping of Negligences, Mistakes, and Misprision of Clerks and Officers, dangerous of Men's Lands and Hereditaments,

BE IT ENACTED by the General Assembly, and by the Authority of the same, That every Writ of Covenant, and other Writ whereupon any Fine heretofore hath been Levied, or hereafter shall be Levied, the Return thereof, the Writ of *Dedimus Potestatem*, made for the Acknowledgings of any of the said Fines, the Return thereof, the Concord Note, and foot of every such Fine, the Proclamations made thereupon, and the King's Silver, and also every Original Writ of Entry in the Post, or other Writ whereupon any common Recovery hath been suffered, or hereafter shall be suffered or passed the Writ of Summons *Ad Warrantizandum*, and every Warrant of Attorney, had or to be had, as well of every Demandant and Tenant, as Vouchee Extant and Remaining, or that shall be Extant and in being, may upon the Request or Election of any Person, be Recorded by such Person, and for such Considerations as hereafter in this Act shall be mentioned; And that the Recording of the same, or any part thereof, shall be of as good Force and Validity in the Law, to all Intents, Respects and Purposes, for so much of any of them so Recorded, as the same being Extant and Remaining were or ought by Law to be.

Writs, &c.
and their Re-
turns to be
Recorded.

AND be it further Enacted by the Authority aforesaid, That no Fine, Proclamation upon Fines, or common Recovery, heretofore had, levied, suffered, or passed, shall be reverfable by any Writ of Error, for any Rasure, Interlining, Misentring of any Warrant of Attorney, or of any Proclamations, Misreturning,

or

or not Returning of the Sheriff, or other want of Form in Words, or for that the Process and Proceedings thereupon is in *English* and not in *Latin*, nor for any other Matter or Cause, that is not matter of substance.

AND be it further Enacted by the Authority aforesaid, That there shall be for ever one Office for the Recording the said Fines and Recoveries aforesaid, which shall be and continue an Office for ever, called, *The Office for Recording of Writs for Fines and Recoveries*; And that the Justices of the General Court of Tryals, for the time being, shall have and take the Care and Direction of the Records aforesaid, and the Nomination and Appointment of such Officer as they shall think proper for the Execution thereof; who for his Charge and Pains and Travel therein, shall have and take for the Recording of every Fine, and the parts thereof aforementioned, and for the Recording the said parts of every Recovery, and the Examination thereof, and for every Exemplification of the Enrollment, or Recording of any Fine or Recovery, and for the Exemplification of every Writ of Entry, Summons, and Warrantizands, and Warrants, and for the search of the Rolls and Records of one Year, and for the Copy of one Sheet of Paper, containing Fourteen Lines, according as are allowed, taxed and settled, in the Court of common Pleas in *Great Britain*, at the same Discount as the other Officers concerning Docking of Estates Tail, have or shall be allowed.

Justices of the Court of Tryals to have the care of the Records.

AND it is also further Enacted by the Authority aforesaid, That the Forms and Proceedings in Docking Estates Tail, used in the General Court of Tryals, shall be as good and authentic for the Docking of Estates Tail within this Government, as the Methods, Forms and Customs used in *Great Britain*, &c.

X x LAWS,

L A W S,

Made and Past by the General Assembly of his Majesty's Colony of Rhode-Island, and Providence-Plantations, held at Newport, by Adjournment, the Third Tuesday of June, 1728.

An Act for the Preservation of Deer in this Colony.

WHEREAS many Persons Tearly kill and destroy Deer at unseasonable times, when the Skins and Flesh are of little or no Value, which may be of great Prejudice to the Colony, and hinder their Increase.

For the preventing whereof for the future,

Penalty for
destroying
Deer at unseasonable Times.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That no Person or Persons whatsoever within this Colony, shall from and after the first Day of January next, until the last Day of June in the Year 1729, and between the first Day of January and last Day of June Annually for ever, hereafter kill and destroy any Deer or Fawn, by himself, Child, Servant or Dogs, on the Penalty of Forfeiting Six Pounds for every Deer or Fawn so killed or destroyed, upon Conviction thereof before any one or more Assistant or Justice of the Peace for such Town where such Offence shall be committed, the one half to the Informer, and the other half to and for the Use of the Town; to be Levied by a Warrant of Distress from such Assistant or Justice, directed to a Constable of said Town. And any Person being found with the Skin, Meat or Horns, green, the same shall be sufficient to Convict him of killing the same, unless he can prove that he had it of some Person else, who shall be under the same Restriction.

AND it is further Enacted by this Assembly, and by the Authority of the same, That the Act made in the Fourth Year of the Reign of Queen Ann, Entituled, *An Act for the preservation of Deer in this Colony*, be, and it is hereby Repealed, and made Null and Void for the future.

An

An Act for restraining of excessive Usury.

Repeal'd;

An Act for preventing Pedlers from Selling of Goods in this Colony.

WHEREAS Trade hath been greatly hurt by Hawkers, Pedlers, and Petty Chapmen, passing to and fro ibrough the Colony, making it their Business to carry Goods, Wares and Merchandize, from House to House, and from Town to Town in this Colony, and there vend and dispose of the same.

For Remedy whereof,

BE IT ENACTED by the General Assembly, and by the Authority of the same, That from and after the Publication of this Act, no Hawker, Pedler, or other Trading Person or Persons, going from Town to Town, or from House to House, and Travelling either on Foot or with any Horse, Horses, or otherwise carrying to Sell, or exposing to Sale either in any House, or in any Market, or other publick Place in any Town in this Government, whereof such Person or Persons is not an Inhabitant, any Goods, Wares or Merchandize, shall be permitted or suffered within this Colony, on pain of Forfeiting all such Goods, Wares and Merchandize, by him or them exposed to Sale, or so conveyed or Transported as aforesaid; one third part thereof to and for the Use of the Colony, one third part thereof for the Use of the Poor of such Town where such Offence is committed, and the other third part thereof to him or them that shall inform against, and prosecute such Offender or Offenders for the same, to be Recovered by Bill, Plaint or Information, in any of His Majesty's General Court of Tryals in this Government. And every such Offender convicted as aforesaid, shall further incur the Penalty of Forty Shillings to be recovered in manner as aforesaid.

Pedlers not to Sell Goods from Town to Town, on the Penalty of Forfeiting all such Goods.

AND be it further Enacted by the Authority aforesaid, That any Assistant or Justice of the Peace in this Colony, shall and may, upon View, Complaint or Information to him made of any such Breach or Offence, Summon, or otherwise cause to come before him, and Bind over such Offender or Offenders to the next General Court of Tryals held in this Colony: And for want of sufficient Surety, shall and may commit such Offender or Offenders to the common Goal, to answer to such Complaint

Offenders to be Bound over to the Court of Tryals, or committed to Goal.

Complaint as shall then and there be Exhibited against him or them; and shall also secure all such Goods, Wares and Merchandize, until such Trial.

AND all Justices, Town Serjeants, Constables, and all other Officers, are hereby strictly enjoyned and required, to exert their utmost Vigor and Power, to see that this Law be put in Execution.

PROVIDED, That this Act shall not extend unto, or be put in Force against any Person or Persons, transporting from one Town to another, or from any other Government into this Colony, any manner of thing whatsoever, grown, raised or manufactured in this Government, or any of the Neighbouring Governments on this Continent.

An Act for Regulating the Payment in of the *Forty Thousand Pounds*, Emitted by this Colony in the Year 1721, and also for Regulating the payment in of the *Forty Thousand Pounds* Emitted in May last.

WHEREAS an Act hath been passed, regulating the calling in and sinking the first Bank emitted by this Government, but the time of calling in the second Bank not being yet settled and determined, and it being upon due Consideration thought just and reasonable, that said second Bank be under the same Regulation as the former, and for the advancement of the Currency, to have the time of the Calling in and sinking the same limited and determined.

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same it is Enacted, That when the second *Forty Thousand Pound Bank*, Emitted by this Colony, in the Year 1721, shall have been out upon Loan for Thirteen Years, from the Time of the first Emitting the same, then the same shall be called in and sunk, in the same manner, and by the same Methods, as the first Bank is prescribed to be sunk, by an Act of this Assembly; That is, in ten Years time, by sinking the Interest, after said Thirteen Years is expired, and by paying in one tenth part of the Principal Annually, as said Act before referred to more particularly expresseth, and those Methods laid down in said Act referred to, for the facilitating and rendring the Payment of the first Bank easy, shall be the Rule and Standard, in all Respects, for the Regulation of the afore-

The Methods in a former Act referred to, to be Observed.

aforefaid second Bank : Any former Law to the contrary hereof notwithstanding.

AND be it further Enacted by this Assembly, That after the time for which the new Bank of Forty Thousand Pounds, now to be Emitted by an Act of this Assembly, is expired, to wit, Thirteen Years, then said Bank shall be sunk, in like manner as is above expressed, without Interest, and in the calling in and sinking, shall be regulated in every Respect as the two former Banks were.

An Act for stating the Fees of the Clerk of the House of Deputies.

IT IS ENACTED and Declared by this Assembly, That the Clerk of the House of Deputies, for the time being, shall be allowed Ten Shillings per Diem, for his Attendance on the General Assembly.

An Act in Addition to an Act made and past in the Year 1727, Entituled, An Act for the Encouraging of Raising and well manufacturing of Hemp in this Colony.

WHEREAS it is found inconvenient for all those Persons that raise Hemp in this Colony, to come to Newport to give their Engagement on the same.

IT IS THEREFORE Enacted by this Assembly, That all Persons raising Hemp in this Government (except in the Town of Newport) giving their Engagement before an Assistant, or Justice of the Peace of the Town wherein they Dwell, that the same was Sown, Raised and Manufactured by them in this Government, and allowed of by the Hemp Viewers of their respective Towns, shall be accepted by the General Treasurer, and shall Entitle them to receive their Premium out of the General Treasury altho' they do not give their Engagement before the General Treasurer.

Engagement
to be taken be-
fore an Assis-
tant or Justice
in each Town.

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An Act for stating the Fees for Petitions preferr'd to the General Assembly.

BE IT ENACTED by the General Assembly, and by the Authority thereof, That all Persons petitioning this Assembly, shall pay *Ten Shillings* for each Petition preferred, before the same be heard; the one half thereof to be applyed to and for the Use of the House of Magistrates, and the other half to and for the Use of the House of Deputies.

Fee for Petitions.

An Act for the Raising of *Two Thousand Pounds*, for a speedy Supply for carrying on the Building of *Fort Ann*.

BE IT ENACTED by this Assembly, That for the carrying on the Building of *Fort Ann*, there be the Sum of *Two Thousand Pounds* in Bills of Credit, Impressed and Signed by the Trustees of this Colony; And that the same be paid again out of the the Interest Money as it shall come in hereafter.

Two Thousand Pounds Emittted.

L A W S.

Made and past by the General Assembly of His Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Newport*, by Adjournment, the *Third Tuesday of February*, 1728.

An Act relating to the Freeing *Molatto & Negro Slaves*.

FORASMUCH as great Charge, Trouble and Inconveniencies, have arisen to the Inhabitants of diverse Towns in this Colony, by the manumitting and setting free *Molatto and Negro Slaves*.

For

For Remedy whereof for the future,

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That no *Molatto* or *Negro* Slave shall be hereafter manumitted, discharged, or set free or at Liberty, until sufficient Security be given to the Town Treasurer of the Town or Place where such Persons dwell, in a valuable Sum, not less than *One Hundred Pounds*, to Secure and Indemnify the Town or Place, from all Charge for or about such *Molatto* or *Negro*, to be manumitted and set at Liberty, in case he or she by Sickness, Lameness, or otherwise, be rendred incapable to support him or herself.

Security to be given for *Molattoes* and *Negroes* upon their being made free,

AND no *Molatto* or *Negro* hereafter manumitted, shall be deemed or accounted free, for whom Security shall not be given as aforesaid, but shall be the proper Charge of their respective Masters or Mistresses, in case they should stand in need of Relief and Support, notwithstanding any Manumission, or Instrument of Freedom to them made and given; and shall be liable at all times to be put forth to Service, by the Justices of the Peace or Wardens of the Town.

Or their Freedom to be void.

An Act for Repealing an Act made and past in this Colony, in the Fourth and Fifth Years of the Reign of King George the first, 1718, Entituled, *An Act for the Distribution and Settling Intestate Estates*.

FORASMUCH as the aforesaid Act is by experience found very prejudicial in this Colony, by destroying Inheritances.

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same it is Enacted, That the aforesaid Act, Entituled, *An Act for the Distribution and Settling Intestate Estates*, be, and it is hereby Repealed, made Null and Void, and every Clause thereof shall be Repealed and of no force or effect for the future, for the Settling and Distribution of any Intestate Estate that shall hereafter happen to be.

AND it is further Enacted by the Authority aforesaid, That this present Act shall not be deemed, construed, or extend to be deemed or construed, to alter or defeat any thing that hath been heretofore done or settled, by the force of the Act for

for Distribution of Intestate Estates, or to hinder the Settlement of any such Intestate Estate, the Owner whereof Died Intestate before the Repealing of the aforesaid Act: And the Town Council for the time being, hereafter shall have Power to Distribute such Estates, of the Person or Persons Dying Intestate before the Repealing of the said Act, notwithstanding the aforesaid Act is Repealed.

An Act for the Amendment of, and in Addition to several Laws, made and past in this Colony, as is herein after expressed.

WHERRAS *there is an Act of Assembly of this Colony, made in the 16th Year of the Reign of King Charles the Second, Entituled, An Act for the Probate of Wills, and granting of Administrations, wherein it is Enacted, That the Governour and Council of this Colony, who, as the supream Court of Probates, are Impowered to hear and determine Appeals from the Town Councils, and to give such Judgment thereupon as to them shall appear right and agreeable with Law; and are not Impowered by said Act to grant forth Execution, to inforce their Judgments,*

Governour
and Council
as Judge of
Probates to
grant forth
Executions.

WHEREFORE *it is Enacted by this General Assembly, That the Governour and Council, as supream Ordinary or Judge of Probates, be, and they hereby are fully Authorized and Impowered to grant forth Execution, to compell and inforce all their Decrees and Judgments by them made and given, on personal Estates, as other Courts in this Colony are enabled to do.*

AND *it is also further Enacted, That in further Amendment of said Act, the Town Council of each Town are also hereby Impowered to give forth Execution, to compel and inforce the Observation and Performance of their Sentence or Judgment, given on Personal Estates, if an Appeal therefrom be not prayed.*

WHEREAS *there is an Act of Assembly made in this Colony, in the 29th Year of the Reign of King Charles the Second, Entituled, An Act enabling the Sheriff to constitute and appoint a Deputy or Deputies; wherein it is Enacted, That the Sheriff shall be responsible for any Neglect or Misdoining of his Deputy or Deputies: Which for want of further explanation, has* created

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created many needless and vexatious Suits, by Suing the Sheriff; who is thereby compelled to Sue such Deputy or Deputies.

For the Regulating whereof for the future,

IT is Enacted by this Assembly, That the aforesaid Clause in the aforesaid Act, be intended and meant, in all Cases where his Deputy or Deputies are not of sufficient Estate to answer and satisfy for their Neglect and Misdoings.

In what Cases Deputy-Sheriffs are to answer for Neglect.

WHEREAS by an Act Entituled, An Act for the Impounding of Cattle, Sheep, &c. It is Enacted, That if any Neat Cattle, Horse, Sheep, or Hogs, shall break into the Grounds of any Person through Lawful Fence, the Party agrieved shall have his liberty to Recover his Damages, by Action against the Owner or Owners of the same, or otherwise to Impound the same in the publick Town Pound; And forthwith upon such Impounding, to get two Freeholders of such Town to apprise the Damages done, and such Cattle, Horses, Sheep or Hogs, to be kept in such Pound, until the Damage and Charge of Impounding be paid by the Owner thereof.

BE it Enacted, That no Action shall be brought to Recover any Damages, unless the Party Damnified as aforesaid, get his said Damages apprized, by two sufficient Freeholders of the Town where the Damage was done, within the space of Four Days next and immediately ensuing the same.

Damage to be Apprized within Four Days.

AND whereas in the aforesaid Act it is Enacted, That in case the Owner or Owners of such Cattle, &c. Impounded, shall not within Ten Days after Impounding pay and satisfy the Damages apprized, and Charges of Impounding and feeding such Cattle, &c. or otherwise replevin the same as aforesaid, that then so many of said Cattle, &c. shall be Sold by publick Out-cry, as will pay and satisfy the Charge and Damage, &c. And no Direction is given in said Act who shall Sell the same, nor what shall be done with the Overplus that shall be by such Sale.

BE IT THEREFORE Enacted, That the said Cattle, &c. shall be Sold as aforesaid, by the Pound-keeper of such Pound, and the Overplus, if any there be, after Lawful Charges deducted, returned to the Owner or Owners of such Cattle, &c.

WHEREAS there is an Act of Assembly made and past in this Colony, in the Year 1728, Entituled, An Act for securing of Costs to the Inhabitants and Residents of and in this Colony,

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that

that shall be Arrested by any Persons who are not Inhabitants and Freeholders in the same.

In Addition, and for Amendment whereof, and for the Ease of the Plaintiff in all such Cafes,

Attorney's
Name en-
dors'd to be
sufficient Secu-
rity for Costs.

IT IS ENACTED by the General Assembly, and by the Authority of the same, That if any Sworn Attorney at Law in this Colony, and a Freeholder of the same, shall Endorse his Christian and Sir-Name at length upon the back of such Writ, such Endorsement shall be sufficient Security for Costs, in all such Cafes and Suits arising thereon, as if Bond had been given for Prosecution thereof: And such Attorney so Signing, and his Executors and Administrators shall be Bound thereby to satisfy and pay the same, and for which the same Fee shall be paid as for giving Bond.

WHEREAS there is an Act made and pass'd in this Colony in the Tenth Year of the Reign of Queen Ann, Entituled, An Act for quieting of Possessions and avoiding of Suits at Law; and therein is no Provision made for saving the Right of Persons having any Estate in remainder or reversion, expectant or depending, in Lands, Tenaments, &c. after the end or determination of an Estate for Years, Life, &c.

For Amendment whereof for the future,

Title to be
pursued with-
in Ten Years
after Right of
Action accrues.

IT IS ENACTED by the General Assembly, and by the Authority of the same, That neither the aforesaid Act of Assembly, nor any thing therein contained, shall Extend or be Construed, or Deemed to extend, to bar any Person or Persons, having any Estate in Remainder or Reversion, Expectant or Depending, in any Lands, Tenaments or Hereditaments, after the End or Determination of Estate for Years, Life or Lives, such Person or Persons pursuing his, or their Title by due Course of Law, within ten Years after his, her or their Right of Action accrues: Any thing contained in the aforesaid Act to the contrary notwithstanding.

An Act for Repealing, Abrogating, and making Void,
the several Acts of Assembly hereafter mentioned.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That the following Acts of the General Assembly, formerly passed, be, and hereby are Repealed, and made Null and Void, *Viz.*

An Act made and past in the 16th Year of the Reign of King Charles the Second, Entituled, *An Act for punishing Criminal Offences.*

An Act made and past in the 16th Year of King Charles the Second, Entituled, *An Act for the establishing Weights and Measures throughout this Colony.*

An Act passed at the same Sessions, Entituled, *An Act for preventing Clandesine Marriages.*

An Act made and past in the 18th Year of King Charles the Second, Entituled, *An Act for the Calling of special Courts.*

An Act made in the 18th Year of King Charles the Second, Entituled, *An Act directing what Bonds the Sheriff shall take of Persons arrested in Civil Actions.*

An Act made in the Tenth Year of the Reign of King William the Third, Entituled, *An Act for punishing such as shall refuse to obey the Assistants, Justices of the Peace, Wardens or Constables, in the due execution of their Office.*

An Act made and past in the 4th Year of the Reign of Queen Ann, Entituled, *An Act for preventing the Inhabitants of this Colony from concealing or harbouring Vagrants, Runaways, &c.*

An Act made and past in the 4th Year of the Reign of Queen Ann, Entituled, *An Act for the Preservation of Deer within this Colony.*

An Act made and past in the 12th Year of the Reign of Queen Ann, Entituled, *An Act for the preventing Pedlers from Selling Goods in this Colony.*

An Act made and past in the 4th and 5th Years of the Reign of King George the Firft, Entituled, *An Act to prevent Indians from being Sued for Debt.*

An Act made and past in the 4th and 5th Years of the Reign of King George the Firft, Entituled, *An Act for distribution and settling Intestate Estates.*

An Act made and past in the 4th and 5th Years of King George the Firft, Entituled, *An Act for the better regulating of the Collector and Naval Officer's Fees within this Colony.*

The Paragraphs (relating to the calling a special Court) of an Act made and past in the 6th Year of the Reign of King George the Firft, Entituled, *An Act establishing Vendue Masters throughout this Colony.*

An Act made and past in the 6th Year of the Reign of King George the Firft, Entituled, *An Act prohibiting the Selling of strong Drink to Indians, during the time of their being on a Whaling Voyage.*

An Act made and past in the 7th Year of the Reign of King George the Firft, being an Additional Act, to an Act made in the 16th Year of King Charles the Second, *Regulating the Proceedings in forceable Entry and Detainer.*

An Act made and past in the 8th Year of the Reign of King George the Firft, Entituled, *An Act for tolling of all Horses, Near Cattle, Sheep and Swine, drove by all Drovers through this Colony into the Province of the Massachusetts-Bay.*

An Act made and past in the 10th Year of the Reign of King George the Firft, *Regulating Watches in time of Peace and War, throughout this Colony.*

An Act made and past in the 13th Year of the Reign of King George the First, Entituled, *An Act in addition to an Act, made and past in this Colony, on the sixteenth Day of June, 1729, Entituled, An Act stating Fees for the Collector, within this Colony.*

An Act made and past in the 1st Year of the Reign of King George the Second, Entituled, *An Act to enable the Inhabitants of this Colony to erect and maintain Water Fences, in Order to secure them from being damnified by their Neighbours, whose Lands are Bounded on any River, Creek, Pond, Bay, &c.*

All which aforementioned Acts, and every Paragraph and Clause therein, are from the time of publishing this Act, hereby revoked and made Null and Void, and of none Effect.

An Act for punishing Criminal Offences.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That no Person shall presume to take upon him, or Exercise, or Officiate in any Office, or place of Authority within this Government, without being Authorized thereunto: And in case any Person shall presume so to do, and be thereof Lawfully convicted, in any Court of Record in this Colony, that then such Offender shall be amerced, according to the Discretion of such Court, not exceeding the Sum of Ten Pounds.

No Person to exercise any Office, without being Authorized.

AND for that Respect and Obedience that is due from Inferiours to their Superiours.

BE it further Enacted by the Authority aforesaid, That if any Person shall Threaten, Assault, Strike, Abuse, or refuse to Obey any General Officer, Justice of the Peace, or Warden, or any other Officer in this Colony, in the Execution of his Office, such Offender or Offenders being duly convicted thereof, before any Judge, or Court of Record within this Colony, shall be amerced, as such Judge or Court of Record shall think fit, according to the Nature of the Offence, not exceeding Ten Pounds.

None to threaten, &c, any Officer in the Execution of his Office.

A a a

AND

Punishment
for unruly
Children and
Servants.

AND be it further Enacted by the Authority aforesaid, That if any Child or Servant, shall contrary to their Obedience due to their Parents, or Masters, Resist or Refuse to obey their Lawful Commands, they shall be sent to the House of Correction, and there remain, until they have humbled themselves to their Parents or Masters satisfaction: And if any Children or Servants shall presume to assault, or strike their Parents, or Masters, upon Complaint of any such Parent or Master, to any Assistant, Justice of the Peace, or Warden of such Town: Such Child or Servant so offending, shall be Whipped, at the Discretion of such Assistant, Justice or Warden, not exceeding Ten Lashes.

Punishment
for Treason,
Murder, &c.

AND be it further Enacted by the Authority aforesaid, That whosoever shall be Convicted of High Treason, Petit Treason, Wilful Murder or Man-slaughter, shall be punished for such Offence, according to the Statute Laws of the Realm of England; the Benefit of the Clergy reserved where allowable: And shall Forfeit his Lands, Goods and Chattels, to the Colony, according to His Majesty's Charter, to be disposed of by the Assembly, as they shall think fit; All necessary Charges of Prosecution, Condemnation and Execution, being first duly deducted.

Punishment
for cutting out
Tongues, &c.

AND be it further Enacted by the Authority aforesaid, That whosoever shall Wilfully and Maliciously cut out the Tongues, pull out the Eyes, or cut off the Ears, of any Person or Persons within this Colony, He shall be proceeded against, prosecuted and punished, as by the Statute of the 5th of Hen. IV. Chap. v. is ordained.

Witchcraft to
be punished
with Death.

AND be it further Enacted by the Authority aforesaid, That Witchcraft is, and shall be Felony; and whosoever shall be lawfully convicted thereof, shall suffer the Pains of Death.

Burglary to be
punished with
Death.

AND be it further Enacted by the Authority aforesaid, That Burglary is, and shall be Felony; and whosoever shall be lawfully convicted thereof, shall suffer the Pains of Death.

Robbery to be
punished with
Death.

AND be it further Enacted by the Authority aforesaid, That Robbery is, and shall be Felony; and whosoever shall lawfully be convicted thereof, shall suffer the Pains of Death: And upon Complaint made to any Assistant, Justice of the Peace, or Warden of any Town within the Colony, of a Robbery committed therein, he shall forthwith grant forth a Warrant to a Constable of said Town, to make Hue and Cry after such Robber or Robbers, for the apprehending and taking of them; and such Proceeding so being made in such Town wherein any Robbery shall be committed, shall not be chargeable for the Moneys, Goods and Chattels of the Person so robbed.

AND

AND be it further Enacted by the Authority aforesaid, That whosoever shall steal or purloin any Moneys, Goods, Wares, or Merchandize, and be thereof lawfully convicted, at the General Court of Tryals (who are hereby fully impowered to have Cognizance of the same) shall for the first Offence, restore to the Owner of such Moneys, Wares, Goods, or Merchandizes so stolen, Two-fold, and shall be Fined, or Whipped, at the Discretion of the Judges of said Court, not exceeding Thirty Nine Lashes; and upon a second Conviction of such Offence, to restore Two-fold as aforesaid, to the Owners of such Moneys, Wares, Goods, or Merchandizes so stolen, and Four-fold to the Colony, and be Whipped or Fined at Discretion, by the Judges of said Court.

Punishment
for Theft.

AND be it further Enacted by the Authority aforesaid, That if the Person so offending, and convicted thereof as aforesaid, shall not have Goods and Chattels sufficient to satisfy and pay the Judgment of such Court as aforesaid, That then, and in such Cases, the Offender shall be Sold by the Sheriff, at the Direction of the Judges of said Court, to satisfy such Judgment as shall be given, as aforesaid.

For want of
Goods, and
Chattels to be
Sold by the
Sheriff.

AND be it further Enacted by the Authority aforesaid, That if any Person shall wrongfully and maliciously Spoil, Burn, or Destroy any Frame prepared for building of either House, Mill, or Barn, or Spoil any Cart, or Wood heaped and prepared for Goals, or other Use, or cut out the Tongue, or otherwise dismember any Beast being alive, or shall bark Fruit Trees, or procure any of the said Offences to be done, the Person so offending shall pay the Owner thereof treble Damages, with Cost of Court, and pay a Fine to the Use of the Colony, according to the Discretion of the Judges of the Court where such Offender shall be convicted; not exceeding Five Pounds.

Punishment
for several
Offences.

AND be it further Enacted by the Authority aforesaid, That if any Officer within this Colony shall exact or extort any more or greater Fees than by Law is stated him, or that under Pretence of executing his Office, shall levy any more or greater Sums of Moneys than by any Judgment, Execution, Order or Decree he is ordered or allowed to do, and be thereof lawfully convicted, he shall forfeit to the Party aggrieved Treble Damages, which shall be (according to the Damage received) recovered by the Party before any Court, or Judge of Record, by Action of Trespass upon the Case.

Any Officer
extorting un-
lawful Fees, to
pay Treble
Damages.

AND be it Enacted by the Authority aforesaid, That whosoever shall perpetrate and commit the detestable and abominable Crimes of Sodomy, or Buggery, and be thereof Lawfully convicted, shall suffer the Pains of Death, as in Cases of Felony, without the Benefit of the Clergy.

Sodomy to be
punish'd with
Death.

AND

Adultery to be
punished with
Whipping or
Fining.

AND be it Enacted by the Authority aforesaid, That whosoever shall Violate their Marriage Contract, by being guilty of the vile Sin of Adultery, and be thereof duly Convicted before the Judges of the General Court of Tryals, and General Goal Delivery, who shall have Cognizance of the same; shall be whipped not exceeding Thirty-nine Stripes, or Fined at the Discretion of said Judges, not exceeding Ten Pounds.

Fornication to
be punish'd
with Whip-
ping, or a Fine
of Forty Shil-
lings.

AND be it further Enacted by the Authority aforesaid, That whosoever shall commit Fornication, and be thereof Lawfully Convicted before any Two Assistants, Justices of the Peace, or Wardens of the Town where such Fact shall be committed, who are hereby Impowered to have Cognizance thereof, shall be publickly Whipped in said Town where such Fact shall be Committed, with Ten Stripes and no more, or pay a Fine of Forty Shillings into the Town Treasury, to and for the Use of the Poor of such Town.

Punishment
for Rioting.

AND be it further Enacted by the Authority aforesaid, That all Persons that shall be Lawfully Convicted of a Riot, shall suffer Twelve Month's Imprisonment, or pay a Fine of Ten Pounds to the Use of the Colony.

Punishment
for Breach of
the Peace.

AND be it Enacted by the Authority aforesaid, That any Assistant, Justice of the Peace or Warden in this Colony, upon Convicting any Person or Persons before him, for Breach of the Peace by Striking, &c. shall and may Fine such Offender or Offenders at Discretion, not exceeding Twenty Shillings; or Bind them over to the General Court of Tryals, with Two sufficient Sureties, where they shall be Fined as the Nature of the Offence may require; such Fine to be for the Use of the Poor of such Town where such Offence shall be Committed.

Affault and
Battery.

AND be it further Enacted by the Authority aforesaid, That in all Cases of Assault and Battery, the Person Assaulted or Battered shall have an Action of Trespass at the Common Law, against the Persons committing such Assault, or Battery, and shall recover his Damages received thereby.

Horses, Neat
Cattle, &c.
upon their kil-
ling any Per-
son, to be For-
feited.

AND be it further Enacted by the Authority aforesaid, That if any Person happen to be killed by Carts going over him, or by a Horse's kicking of him, or by any sort of Neat Cattle's goring him, or kicking him, or by other such like Accident; that then, the Coroner of such Town where such Casual Death shall happen to be, shall with an Inquest of Twelve Lawful Men, enquire into the means of the Death of such

such Person; and on the Coroner's return, that such Person was killed by any of the aforesaid Accidents, &c. then the Coroner with his said Inquest upon Oath, shall Apprise the Value of such Cart, Horse or Neat Beast, &c. which shall be Forfeited as a Deodand, and given to the Overseers of the Poor of such Town where such Casualty shall happen.

AND be it further Enacted by the Authority aforesaid, That all Bonds, Bills, Deeds of Sale, Gifts, Grants, or other Conveyances or Obligations whatsoever, that shall be made by any Person, with Intent to Defraud or Deceive others, or Defeat such Person or Persons Creditors of their just Debts and Dues, shall be Null, Void, and of none Effect; and the Party injured or agrieved thereby shall recover his double Damages, together with Cost of Suit.

Fraudulent Bonds, &c. shall be deem'd void.

AND be it further Enacted by the Authority aforesaid, That in Case any Person or Persons shall be Lawfully convicted of Conspiracy, according to the Statute of the 23d of Edward the First, Entituled, *A Definition of Conspirators*, or shall be convicted of Champerty; he or they that shall be so Convicted, shall suffer One Year's Imprisonment, and make Fine to the Colony, as the Judges of the Court where such Person or Persons Convicted shall award; and the Party agrieved shall have his Remedy, and recover his Damages, by an Action of Trespass on the Case.

Punishment for Conspiracy, &c.

Remedy for Persons agrieved.

PROVIDED always, That this Act shall not extend to any Person or Persons, who honestly, and without any unjust Design, shall assist with Moneys or otherwise, such Person or Persons as are not of Estate or Ability sufficient to carry on a Suit in Law, for the Recovery of their just Right and Estate.

Proviso.

AND be it further Enacted by the Authority aforesaid, That in case any Person or Persons, being Impannelled and Sworn upon a Jury, shall take any Reward to bring in a Verdict; or in case any Person shall Embrace a Juror so to do, the Parties both giving and receiving such Reward, being thereof duly Attaint, in any Court of Record, according to the Statute of the 28th of Edward the Third, Chap. 12th, shall pay Five times the Value of such Reward, One half to the Use of the Colony, and the other half to such Informer as shall Sue for the same; and on Default of Payment shall be Imprisoned One Year.

Punishment for Persons giving, and Jurors receiving a Reward.

B b b

AND

Punishment
for Forgery,
&c.

AND be it further Enacted by the Authority aforesaid, That if any Person shall Forge, Raze, Embezel, or take away any Record, Writ, Return, or Process belonging to such Record, or any part of the same, by Reason whereof Judgment shall be Reversed; or shall Forge any Deed, Obligation, Acquittance or Record, or shall willfully and designedly make false Entry of Pleas, or alter Verdicts, or shall be Procuring, or Confederating, or Abetting such Doings, such Person or Persons being thereof duly Convicted, shall be Imprisoned and grievously Fined, according to the Discretion of the Judges of such Court, where such Person or Persons shall be Convicted: And such Person or Persons as shall be agrieved thereby, shall have Remedy by Action, to Recover his or their Damages.

Punishment
for putting
away Servants
without Cause.

AND be it further Enacted by the Authority aforesaid, That any Person whatsoever that shall Contract and Agree with any Servant, for One Year's Service, or more or less time, shall not put away his or her said Servant, before the Time agreed on be Expired, unless upon good and sufficient Cause, made appear before one or more Assistant, Justice of the Peace or Warden of said Town, where said Master or Mistress dwells. And if any Master or Mistress of any Servant or Servants, shall put away any such Servant, before the Time agreed be Expired, he or she so doing, without a sufficient Discharge from one or more Assistant, Justice of the Peace or Warden of said Town, shall Forfeit to such Servant agrieved, Forty Shillings in Money, to be Recovered before any Two Assistants, Justices of the Peace, or Wardens of such Town,

No Servant to
leave his Ser-
vice without
sufficient cause
under the
Hand of one
or more Assis-
tant, &c.

AND be it further Enacted by the Authority aforesaid, That no Servant Hired as aforesaid, for any Term of Time, shall depart from the Service of his said Master or Mistress, until such Time of Service agreed on between them be fully ended, without some justifiable Cause, which shall be allowed of under the Hand of one or more Assistant, Justice of the Peace or Warden of said Town, where his Master or Mistress shall Dwell; and if any Servant shall depart from his said Master and Mistress's Service, (before his Term of Time of Service agreed on, be fully ended) without Licence first had or obtained from one or more Assistant, Justice of the Peace or Warden of said Town as aforesaid, shall for his or her Offence, upon due Proof thereof before any one or more Assistant, Justice of the Peace or Warden of said Town, be committed to Prison, there to remain until he or she so doing, find sufficient Surety to perform his or her Contract, as agreed on.

AND

AND be it further Enacted by the Authority aforesaid, That whosoever shall wittingly or knowingly retain any such Hired Punishment for retaining Servants, Servant as aforesaid, that is not lawfully Discharged as aforesaid, shall for every such Offence Forfeit to the Person agrieved thereby *Five Pounds*, to be Recovered at any Court of Record by Action of the Case.

AND be it further Enacted by the Authority aforesaid, That no Artificer or Handicrafts-man, that shall Agree or Contract with any Person, for the performing of any Piece or Parcel of Work, relating to his or their several Occupations, or shall Agree to Work for any certain Time, shall Depart from his or their Work before the same be finished. No Artificer to leave his Work till Finished.

AND that if any Artificer or Handicrafts-man upon any Contract with any Person, for the performing any Work as aforesaid, shall depart and leave his said Work before Finished, without the Leave or Assent of his Employer, he shall Forfeit to the Person agrieved thereby, *Five Pounds*, to be recovered in any Court of Record within this Colony, by Action of the Case. On the Penalty of Five Pounds.

AND be it further Enacted by the Authority aforesaid, That any Assistant, Justice of the Peace or Warden, shall and may, upon lawfully Convicting of any Person or Persons of being Drunk, either by one sufficient Evidence, or by his own knowledge thereof, Fine such Person for Offending, *Five Shillings* for the first Offence, (to be paid into the Town Treasury of such Town where such Offence shall be Committed,) or cause the Offender to be set in the Stocks, at the Discretion of such Assistant, Justice or Warden, not exceeding Three Hours: And upon a second Conviction of the like Offence, such Person shall Pay as a Fine, *Ten Shillings*, to and for the Use aforesaid. Punishment for Drunkenness.

PROVIDED always, That such Complaint be made within Provided Ten Days after such Offence be Committed.

AND be it further Enacted by the Authority aforesaid, That whosoever shall Prophanely Swear or Curse, within the hearing of any Assistant, Justice of the Peace or Warden, or be thereof Convicted, either by his own Confession, or by the Evidence of Two Witnesses upon Oath or Engagement, before any one Assistant, Justice of the Peace or Warden, shall for every such Oath or Curse, be Fined *Five Shillings*, to and for the Use of the Poor of such Town where the Offence shall be Punishment for profane Swearing and Cursing.

be committed, or be set in the Stocks at the Discretion of such Assistant, Justice or Warden, not exceeding Three Hours.

Proviso.

PROVIDED always, That every Offence against the Law, be Complained of within Ten Days after such Offence be committed.

An Act directing the Proceedings against Forceable Entry and Detainer.

Upon Complaint of forceable Entry and Detainer, the Sheriff to Impanel a Jury of Inquest,

BE IT ENACTED by the General Assembly, and by the Authority of the same, That in any Town in the Colony, where a forceable Entry or Detainer of Lands or Houses, shall happen to be committed or done, by any Person or Persons whatsoever, upon Complaint or Information thereof given by the Party agrieved, to any Two or more Assistants, Justices of the Peace or Wardens of the Town where such House or Land lies, the said Assistants, Justices or Wardens, shall Issue out their Warrant to the Sheriff of the Colony, or his Deputy, requiring him in the King's Name to Impanel a Jury of Inquest, of Twenty Four good and lawful Men of the Neighbourhood, to come before them, to make Enquiry upon Oath or Engagement concerning the same: And in case the said Jury shall find the Bill or Complaint against such Person or Persons complained of, that then such Assistants, Justices or Wardens, shall cause such Force to be removed, and restore to the Person or Persons complaining peaceable Possession of the same.

Proviso.

PROVIDED always, That such Complaint or Information appears to be made within Three Years after such Forceable Entry and Detainer be committed, and not after.

Penalty for refusing to Aid the Assistants.

AND be it Enacted by the Authority aforesaid, That the Assistants, Justices of the Peace and Wardens, in case of any Resistance made in the due performing their Duties, by this Act required, about Forceable Entries or Detainers, may Command the Assistance of any of His Majesty's Subjects of this Colony, who are Required to Aid them therein, on the Penalty of *Twenty Shillings* to each Person that shall refuse so to do; to be Recovered by Suit or Information, before any one Assistant, Justice of the Peace or Warden of this Colony.

AND the said Fine of *Twenty Shillings* so Recovered, shall be paid into the Town Treasury, for the Use of the Town, where such Forceable Entry and Detainer shall be committed.

AND

AND it is further Enacted by the Authority aforesaid, That in case the Jury of Inquest, on inquiry as aforesaid, shall not find the said Bill or Complaint against the Person or Persons complained of as aforesaid, that then the Person or Persons complaining, shall be Condemned by the said Assistants, Justices or Wardens, to pay the Costs of Court, as is usual in other Cases.

Upon the Jury's not finding the Bill, the Person complaining to pay Costs,

AND be it further Enacted by the Authority aforesaid, That if the Sheriff or his Deputy, to whom such Assistants, Justices or Wardens Warrant is Delivered, doth not duly Execute the same; he shall Forfeit the Sum of Twenty Pounds, Lawful Money, to be Recovered by Bill, Information, Suit or Complaint, in any Court of Record within this Colony.

Sheriff to Execute his Warrant, on the Penalty of Twenty Pounds,

An Act for the Establishing Weights and Measures throughout this Colony.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That during the Sitting of the General Assembly in May Annually, there shall be Chosen and Elected by the General Assembly, one General Sealer, who shall provide and procure at the Colony's Charge, a Standard of each and every of the Weights and Measures following, *Viz.* One Half-Bushel, one Peck, one Half-Peck, one Ale-Quart, one Wine-Quart, one Wine-Pint, one Wine Half-Pint, One Yard, one Half-Hundred, one Quarter of a Hundred, one Fourteen Pound, one Four Pound, one Two Pound, one One Pound, and one Half-Pound Weight; which shall be according to the Standard of His Majesty's Exchequer, in the Kingdom of England. And that each respective Town shall provide one Standard of all the abovesaid Weights and Measures, which shall be Proved and Sealed, by the General Sealer of the Colony.

General Sealer to be Annually chosen by the Assembly,

AND that the Freemen of every Town shall at the usual Time of Election of Town Officers, Annually choose a Person, to Prove and Seal all Weights and Measures throughout such Town, with such a Seal or Mark as shall be by each Town appointed: Who shall be Engaged, faithfully and duly to Exercise said Office. And if any Person shall be found, to Sell or Buy by false Weights or Measures, such Person being thereof duly Convicted before any one Assistant, Justice of the Peace or Warden, in such Town, shall forfeit and pay to the

Each Town Annually to Choose a Sealer of Weights and Measures,

Punishment
for Buying or
Selling by false
Weights and
Measures.

Use of such Town, for the first Offence *Six Shillings and Eight Pence*, and for the second Offence *Thirteen Shillings*, and for the third Offence shall forfeit and pay *Twenty Shillings*; and for Example, to others, shall stand in the Pillory, in some publick place in such Town, for the space of One Hour.

An Act for the Relief of poor Prisoners, that are not able to find Bail upon mean Procefs.

WHEREAS it often happens, that poor Persons for want of Bail, are committed to Goal upon mean Procefs, and after Judgment made up against them, the Plaintiff Neglects to take out Execution against them, upon the account of saving Six Pence a Day, which by Law they are Obliged to pay, after Execution granted.

For Remedy whereof for the future,

BE IT ENACTED by the General Assembly of this Colony; and by the Authority of the same it is Enacted, That where any Person shall be Committed to Prison in any Action upon mean Procefs for want of Bail, in case the Party at whose Suit the Action is commenced, shall Obtain Judgment against such Prisoner in said Action, and shall Neglect to take out and deliver to the Sheriff of this Colony, an Execution on the said Judgment, within the space of One Month after the End of the Court where said Judgment shall be Obtained, that then and in such Case, it shall and may be Lawful for the said Sheriff to Discharge the said Prisoner from his said Imprisonment, &c.

Execution to
be taken out
within one
Month after
the Rising of
the Court,

An

if a
Judg
any

An Act Enabling the Town Council of each Town to Grant Licences for the Retailing Strong Liquors, and to prevent the Selling of such Liquors by Retail, without Licence first Obtained.

BE IT ENACTED by the General Assembly, and by the Authority thereof, That the Town Council of each respective Town in this Colony, shall have the sole power of Granting Licences for the keeping Taverns and Ale-Houses, and Retailing Wines, and all other Strong Liquors within their several Towns, and shall take for each Licence Discretionally, not exceeding Fifteen Pounds for one Licence; which Money shall be paid into the Town Treasury where such Licence is granted, for the Defraying the publick Charge of the Town.

Town Councils impow'd to Grant Licences;

AND be it further Enacted by the Authority aforesaid, That if any Person or Persons shall Sell, or suffer to be Sold, by their Wives, Children or Servants, any Wine, Rum, or other Strong Liquors whatsoever, by Retail, in any less Quantity than a Gallon, without a Licence first Obtained from the Town Council where such Person Dwells, and be thereof Lawfully Convicted before any one Assistant, Justice of the Peace, or Warden of any such Town where such Offence shall be Committed, either by his or her Confession, or by good Evidence, he or they shall for every such Offence, Forfeit the Sum of Four Pounds, one half thereof to the Informer, and the other half to the Use of the Poor of the Town where the Offence is committed; which Fine shall be Recovered by a Warrant of Distress, at any Time with in One Year after the Fact is committed, and not after.

None to Sell Strong Liquors in any less Quantity than a Gallon, on the Penalty of Four Pounds;

AND be it further Enacted by the Authority aforesaid, That it shall and may be Lawful for any Assistant, Justice of the Peace or Warden, to Summon and Convent before him any Person or Persons he shall think fit, to give Evidence against any Person that shall Sell by Retail as aforesaid, any Strong Liquors, without Licence, and to cause such Person or Persons to give their solemn Oath or Engagement thereto: And such Persons who shall refuse so to do, when thereunto Required, to commit to His Majesty's Goal in Newport, until he or they purge themselves by Oath or Engagement.

Assistants, &c. to Summon Evidence.

AND be it further Enacted by the Authority aforesaid, That if any Person shall think himself agrieved at the Sentence or Judgment of any Assistant, Justice of the Peace or Warden, in any Matter or Thing founded upon this Law, it shall and may

Persons agree-
ved, allow'd
an Appeal.

may be Lawful for such Person to Appeal to the next General Court of Tryals, he or she paying Cost, and giving in Bond to prosecute such Appeal to such Court, and complying with the Rules prescribed, in Appeals had from Justices Courts to the General Court of Tryals in civil Causes.

Tavern-Keep-
ers to give
Bond.

AND be it further Enacted by the Authority aforesaid, That all Persons keeping Taverns or Ale-Houses, shall give such Bonds or Recognizances to the Town Council granting them Licence, as such Council shall think proper, for their Maintaining good Order, and keeping regular Houses.

Town Council
to withdraw
Licences from
disorderly
Houses.

AND be it further Enacted by the Authority aforesaid, That it shall and may be Lawful for the Town Council of each Town, upon any Persons being Convicted of keeping a disorderly or irregular Tavern or Ale-House, contrary to the Bonds or Recognizance by him given, immediately to withdraw such Licence, and further prosecute such Persons for their Offences.

An Act directing how Water-Fences shall be made and maintained.

Water-Fences,
how main-
tain'd.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That where any Persons Land joyn together on the Water, and is under Improvement, the Possessors thereof shall equally make and maintain a sufficient Water-Fence between them, such as the Fence-Viewers shall deem sufficient for the preventing of Cattle, Horses, &c. trespassing upon one another's Ground. And if any Person shall refuse so to do, he shall be Obligated thereto in the same way and manner, as Persons refusing to make or maintain Partition Fences on their Lands, are Obligated to do by the Laws of this Colony.

To be such as
the Fence-
Viewers shall
deem suffi-
cient.

An

An Act for Repealing an Act, Entituled, *An Act for restraining of Excessive Usury.*

WHEREAS there was an Act made and pass'd by the General Assembly of this Colony in June, 1728. Entituled, An Act for restraining of excessive Usury; which is found inconvenient.

Therefore,

BE IT ENACTED by this Assembly, That the said Act, and every Clause and Paragraph thereof, be, and it is hereby Repealed, made Null, Void, and of none Effect for the future.

An Act in addition to an Act made and pass'd in May, 1728, relating to the Bills of Credit on this Colony.

WHEREAS by an Act of Assembly, made and pass'd in May, 1728, each Person that took of the Colony Bills of Credit, emitted in the Year 1715, should give Ten distinct Bonds to the Grand Committee, each Bond to contain a tenth part of the Sum in their respective Mortgages, to be paid as in and by said Act is expressed, with one Years Interest of the same: And there being no Provision made in said Act, that upon any Persons refusing to give Bond as aforesaid, how they should be compelled to Comply with the same; and it appearing, that several Persons who had of said Bills neglect to Comply with said Act,

IT IS THEREFORE Enacted by this Assembly, That the grand Committee be, and they are hereby fully Authorized and Impowered, to Sue all the Mortgages (at the next General Court of Tryals) given by all such Persons who Neglect to Comply with the aforesaid Act, in giving Bond as aforesaid, by the Twelfth Day of March.

Grand Committee impow-
er'd to Sue
Mortgages.

An Act for Repealing an Act made and past in this Colony, in the Fourth and Fifth Years of the Reign of King George the First, Entituled, *An Act for Distribution and Settling Intestate's Estates.*

FORASMUCH as the aforesaid Act is by experience found very prejudicial in this Colony, by destroying of Inheritances.

BE IT THEREFORE Enacted by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That the aforesaid Act, Entituled, *An Act for Distribution and Settling Intestate's Estates*, be, and it is hereby Repealed, made Null and Void, and every Clause thereof shall be Repealed, and of no Force and Effect for the future, for the Settling and Distribution of any Intestate Estate that shall hereafter happen to be.

Settlements by
Virtue of the
former Act to
be deem'd
Lawful

AND it is further Enacted by the Authority aforesaid, That this present Act shall not be deemed, construed, or extend to be deemed or construed, to Alter or Defeat any thing that hath been heretofore Done or Settled, by Force of the Act for Distribution of Intestate's Estate, or to hinder the Settlement of any such Intestate Estate, the Owner whereof Died Intestate before the Repealing of the aforesaid Act: And the Town Council for the time being, hereafter shall have Power to Distribute such Estate that the Person or Persons Died Intestate of, before the Repealing of the said Act, notwithstanding the aforesaid Act is Repealed.

LAWS,

L A W S,

Made and pass'd by the General Assembly of His Majesty's Colony of Rhode-Island, and Providence-Plantations, Held at Newport the Third Monday of June, 1729.

An Act for Disposing of Money raised in this Colony, on Importing Negro Slaves.

FORASMUCH as there is an Act of Assembly made in this Colony, the 27th Day of February, A. D. 1711, laying a Duty of Three Pounds per Head, on all Slaves Imported in this Colony, as in said Act is expressed; and several things of a publick Nature, requiring a Fund to be set apart for the carrying them on.

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same it is Enacted and Declared, That henceforward all Moneys that shall be raised in this Colony by the aforesaid Act, on any Slaves imported into this Colony, shall be Employed, the one Moiety thereof for the Use of the Town of Newport, towards Paving and Mending the Streets thereof, and the other Moiety for and towards the Support, Repairing and Amending the great Bridges on the Main, in the Country-Roads, and for no other Use whatsoever: Any thing in the aforesaid Act to the contrary, in any wise notwithstanding.

Money raised on the Importation of Slaves, how to be disposed of,

An Act for Regulating the Proceedings of Town Meetings, in each Town in this Colony.

WHEREAS there has been great Disturbance in Town Meetings within this Colony, which has arisen from the Moderators refusing to put such Proposals to Vote, as have been offered or presented by a Number of Freemen there met. And forasmuch as all Controversies in Town Meetings, relating to Town Affairs, ought to be decided by a Majority of Voices.

Therefore,

Moderator
to put any Bu-
siness of the
Town to Vote
when request-
ed by Seven
Free Men.

BE IT ENACTED by the General Assembly, and by the Authority thereof it is Enacted, That for the future, to prevent further Trouble, every Moderator in this Colony, when legally chosen in Town Meetings, after having heard the Freemen's Allegations respecting the Business of the Town, and being called upon by Seven Freemen to put any particular part of the Town's Business to Vote, shall he forthwith grant the same; upon the Penalty of being suspended from the Office of Moderator, (and pay a Fine of Forty Shillings, to be Recovered by the Town Clerk, for the Use of the Town where such Meeting is held,) and another Moderator forthwith chosen in his Room.

Business rela-
ting to Money,
Land, &c. to
be mentioned
in the War-
rant.

AND be it further Enacted, That no Vote be past in any Town Meeting, concerning Money in the Treasury, disposing of Land, or making a Rate, unless it be mentioned in the Warrant given out to Warn the Freemen to said Meeting; and that the Town Clerk of each respective Town in this Colony, be the Person appointed to give out such Warrants, unless where the Law prescribes otherwise.

An Act Impowering the Town Council of each respective Town, to prevent Disorderly Indian Dances.

WHEREAS it is very common in this Colony, and especially in Westerly and South Kingstown, for Indians to make Dances, which has been found by experience to be very prejudicial to the adjacent Inhabitants, by their excessive Drinking, and Fighting, and Wounding each other; and many Servants are enticed to out stay their Time at such Dances, and then Run away from their Masters.

BE IT THEREFORE Enacted by the General Assembly, and by the Authority of the same it is Enacted and Declared, That the Town Councils of each Town in this Colony, have full Power to make such Laws and Orders, for the better regulating of such Indian Dances in their respective Towns, as they shall think needful and necessary; and to Fine all such Persons, either English, Indians, or others, that shall sell or give any Strong Liquors at any such Dances, not exceeding Forty Shillings.

An Act for preventing of Strangers coming into this Colony, from any Parts whatsoever by Sea, excepting Great Britain, Ireland, Jersey and Guernsey, from being Chargeable to any Town in this Colony whereunto they shall come.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That all Masters of Vessels that shall import and bring into this Colony, any Persons or Passengers whatsoever, into any Town in this Colony, (except from Great Britain, Ireland, Jersey and Guernsey) shall give an Account of all such Persons or Passengers, by him so Imported, to the Naval Officer of this Colony for the time being, and give in Bond to the said Naval Officer, in the Sum of Fifty Pounds for each Person by him Imported, that such Person shall not become Chargeable to such Town wherein they shall be Landed: And the said Naval

Bond to be given by Masters of Vessels bringing in Strangers.

E e e

Officer

Officer shall be paid by such Master, *Five Shillings* for such Bond. Any Law, Custom or Usage to the contrary hereof notwithstanding.

An Act Enabling the Town Councils of each Town in this Colony, to make Laws in each of their respective Jurisdictions, for the Regulating the keeping of Dogs.

WHEREAS there is great Damage often done, by Dogs killing of Sheep and Lambs, and other small Cattle in this Colony.

For the Preventing whereof for the future,

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That the Town Councils of each Town in this Colony, be, and they are hereby fully Authorized and Impowered, to make and ordain such Laws, Orders and Determinations, as shall be necessary and suitable for their respective Towns, for the preventing Dogs doing Damage, in Flocks, or otherwise, and to determine who shall keep Dogs, and how, and in what manner the same shall be kept. And such Laws, Orders and Determinations, shall be good and binding; and whosoever shall break or go contrary to the same, and be Lawfully Convicted thereof, shall be Fined, at the Discretion of the Town Council of such Town where such Offence shall be Committed, not exceeding *Forty Shillings*.

Town Council's Orders relating to Dogs, to be Binding.

An

An Act for the Dividing the Colony of *Rhode-Island* and *Providence-Plantations* into Three Counties, and Affertaining the Bounds and Limits of each of said Counties.

WHEREAS the number of Inhabitants in this Colony, are much increased, and the Bounds thereof is so extensive, that that part thereof called the Main-Land, especially the more remote Inhabitants, are put to great Trouble and Difficulty in Prosecuting their Affairs, in the common Course of Justice, as the Courts are now established.

Therefore,

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same, That this Colony shall be Divided into Three distinct and separate Counties (whereof the whole Colony shall consist) in the following manner.

The Colony divided into Three Counties,

THE Towns of *Newport*, *Portsmouth*, *James-Town*, *Newshorham*, and the rest of the Islands adjacent, heretofore within the Jurisdiction of either of said Towns, shall be Constituted, and are hereby made one County, and shall be known by the Name of the County of *Newport*; and *Newport* shall be the County Town.

The County of *Newport*.

THE Towns of *Providence*, *Warwick* and *East Greenwich*, and all such Places within the Jurisdiction of said Towns, shall be Constituted, and are hereby made one other County, and shall be known by the Name of the County of *Providence*; and the Town of *Providence* shall be the County Town.

The County of *Providence*.

THE Towns of *South Kingstown*, *North Kingstown* and *Westerly*, and all Places within the Bounds of either of said Towns, shall be Constituted, and are hereby made one other County, and shall be known by the Name of *King's County*; and *South Kingstown* shall be the County Town.

King's County.

Fff

An

An Act for the Establishing of Courts of General Sessions of the Peace, and Ascertaining the Times and Places for the holding of the same.

General Sessions of the Peace appointed.

BE IT ENACTED by the General Assembly of the Colony aforesaid, and by the Authority of the same; That within each respective County within this Colony, there shall be held and kept Yearly, and every Year, at the Times and Places in this Act after mentioned and expressed, a Court of General Sessions of the Peace, by the Justices of the Peace of each County respectively, or any Five of them, who shall be a *Quorum*, and are hereby Impowered to hear and determine all manner of Matters and Things, relating to the Conservation of the Peace; And the Punishment of Offenders, and all Pleas of the Crown, (capital Crimes excepted) shall be therein Cognizable: And they are Impower'd to give Judgment, and Award Execution thereupon.

The Times and Places of holding the same.

AND be it further Enacted by the Authority aforesaid, That the Times and Places for the holding said Courts of General Sessions of the Peace, within the respective Counties in this Colony, shall be as followeth: That is to say, For the County of *Newport*, at *Newport*, on the last *Tuesday* of *May*, and on the third *Tuesday* of *November*. For the County of *Providence*, on the first *Tuesday* in *June*, and on the second *Tuesday* in *December*. And for the County of *King's County* at *South Kingstown*, on the last *Tuesday* in *June*, and the first *Tuesday* in *January*.

Appeal to the Superiour Court allow'd.

AND be it Enacted by the Authority aforesaid, That it shall and may be Lawful, for any Person agrieved at the Sentence of the Justices in any Court of General Sessions of the Peace, to Appeal from such Sentence given as aforesaid, unto the next Superiour Court of Judicature, Court of Assize, and General Goal Delivery, to be held at *Newport*, as heretofore the General Court of Tryals and General Goal Delivery, hath been accustomed to be holden, where the aforesaid Matter or Thing shall be further considered.

Proviso.

PROVIDED, That such Appeal be Prayed at the time of the Sentence being uttered; And the Appellant shall also enter into a Recognizance, with two good and sufficient Sureties, during the fitting of said Court, in such reasonable Sum as the said Justices shall set, for his or her Appearance at the Court Appealed to, and Prosecution of such Appeal there with Effect; and to Do, Abide, and Perform what said Court shall Enjoyn, Order or Sentence thereon, and to be of good Behaviour in

in the mean time: And the Party Appealing shall remain in Custody until Security is given as aforesaid, and the Officer shall not take above *Six pence* per Hour for attending.

PROVIDED also, That every such Person Appealing, do file Reasons of Appeal in the Clerk's Office of the Court Appealed unto, seven Days before the sitting of said Court, and also at his own Cost, shall bring to said Court a Copy of the whole Case Attested: And the Appellant shall pay the like Fees at the said Court Appealed to, as in Appeals in civil Causes. Proviso;

AND be it further Enacted by the Authority aforesaid, That each respective Town in the Counties aforesaid, shall choose Jurors for said Court, at their Town or Quarter Meeting, next preceeding the sitting of said Courts. And the Town Clerk of each respective Town, shall return the Names of such Jurors to the Clerks of the respective Courts: And the Town Sergeant of each Town, shall warn said Jurors to Appear, and be allowed for the same *Twelve pence* per Juror by said Town. And if any of said Jurors be Challenged, or otherwise there be not a sufficient number of good and lawful Men, to make up the Jury or Juries, to serve at any of said Courts, then in such Case, the said Jury or Juries shall be filled up *De talibus Circumstantibus*, to be returned by the Sheriff or his Deputy. Jurors to be chosen in the several Towns;

AND be it further Enacted by the Authority aforesaid, That it shall and may be lawful, for any Person sentenced for any Criminal Offence, by any one or more Justice of the Peace out of Sessions, to Appeal from such Sentence, unto the next Court of General Sessions of the Peace, to be held within the same County, every such Appellant recognizing with Sureties, in a reasonable Sum, for his Appearance at the Court Appealed to, and for the Prosecuting his Appeal there with effect, and to abide the Order and Sentence of said Court thereon, which shall be final, and in the mean time to be of good Behaviour: And every such Appellant shall be held at the same Rules, and observe the same Measures for the bringing forward said Appeal, as was herein before laid down, for the prosecuting an Appeal from the said Court of General Sessions of the Peace, to the Superior Court of Judicature, Court of Assize, and General Goal Delivery, and shall pay the like Fee for entering and in all other respects. Persons Sentenced by Justices for any Criminal Offence to be allowed an Appeal.

An Act for Establishing of Inferior Courts of common Pleas, in the several Counties of this Colony.

Inferiour
Courts of
Common
Pleas appoin-
red.

BE IT ENACTED by the General Assembly, and by the Authority thereof, That there shall be holden and kept in each respective County in said Colony, Yearly, and every Year, at the respective Times and Places in this Act after mentioned and expressed, an Inferiour Court of Common Pleas, by Four judicious and skillful Persons, to be Appointed and Commisionated as Justices of the said Court, in each County, and any three of whom shall be a *Quorum* for holding of said Court, who shall have Cognizance of all Civil Actions arising or happening within such County, Tryable at the common Law, of what Nature, Kind or Quality soever. And said Judges are hereby Impowered to give Judgment therein and award Execution thereon.

Times and
Places for said
Courts ap-
pointed.

AND be it further Enacted by the Authority aforesaid, That the Times and Places for the holding and keeping said Inferiour Courts of Common Pleas, within the aforesaid several and respective Counties shall be as followeth: That is to say, For the County of *Newport*, at *Newport*, on the last *Tuesday* in *May*, and on the third *Tuesday* in *November*. For the County of *Providence*, at *Providence*, on the first *Tuesday* in *June*, and on the second *Tuesday* in *December*. For the County of *King's-County*, at *South Kingstown*, on the last *Tuesday* in *June*, and on the first *Tuesday* in *January*, and so Yearly, and every Year.

Writs to be
issued out of
the Clerk's
Office.

AND be it further Enacted by the Authority aforesaid, That all Writs and Processes, for the bringing any Cause or Suit to Tryal, in any of the said Inferiour Courts, shall Issue out of the Clerk's Office of such Court in His Majesty's Name, under the Seal of the said Court, to be Signed by the Clerk, and directed to the Sheriff of said County, or to his Lawful Deputy. And if such Process shall be against the Sheriff, then the same shall be directed to the Town Sergeant of such Town where the Sheriff dwelleth, who is hereby Impowered to Serve the same. And where the Clerk of any of the said Inferiour Courts, shall be Plaintiff or Defendant in any Suit, the Writ or Process shall have its Sanction from one of the Judges of said Court.

Except when
the Clerk is
Plaintiff or
Defendant.

AND be it further Enacted by the Authority aforesaid, That all Original Writs and Processes, issued out as aforesaid, shall be Served Twenty Days before the Day of the sitting of such Court, from whence issued and are returnable: And the
Plaintiff

Plaintiff shall declare thereon, and file his Declaration in the Clerk's Office of said Court, Twelve Days before the sitting of such Court: And the Defendant shall file his Plea. or Answer Six Days before the sitting of said Court, with the aforesaid Clerk; or else the Plaintiff may enter with said Clerk a *Nihil Dicit*, and Judgment shall go against the Defendant for Default.

Writs to be Served Twenty Days, Declaration to be filed Twelve Days, and the Answer Six Days before the Court.

AND be it further Enacted by the Authority aforesaid, That no Action not exceeding Forty Shillings, shall be brought into any of the aforesaid Interior Courts of Common Pleas, unless where any Man's Freehold is concerned, or by way of Appeal from any Justices Court.

AND be it further Enacted by the Authority aforesaid, That each respective Town within the Counties aforesaid, shall at the Quarter Meeting preceeding the aforesaid Interior Courts of Common Pleas, respectively take care to Choose and Elect so many good and lawful Jurors, to Serve at such Court, as shall be by the General Assembly ordered, which Jurors, when chosen as aforesaid, shall be by the Clerk of each Town wherein chosen, returned to the Clerk of such Court whereto chosen by Name, and shall be by the Town Sergeant of each Town where chosen, warned accordingly. And if by Reason of Challenge or otherwise, there do not appear a sufficient Number of good and lawful Men to make up the Jury or Juries, in any of said Interior Courts, in such case the said Jury or Juries shall be filled up *De talibus circumstantibus*, to be returned by the Sheriff or his Deputy.

Each Town to choose Jurors.

AND be it further Enacted by the Authority aforesaid, That there shall be holden at Newport, within and for said Colony, two Superior Courts of Judicature, Courts of Assize, and General Goal Delivery, for the Tryal of all Causes, Matters and Things, both Civil and Criminal; the one Superior Court of Judicature, Court of Assize, and General Goal Delivery, on the last Tuesday of March, Annually, and the other on the first Tuesday of September; which said Court shall be composed and consist of the Governour, Deputy Governour, and Assistants of this Colony, of which the Governour, or in his absence the Deputy Governour, and Three Assistants, shall be a *Quorum*, and in case of the Absence of both the Governour and Deputy Governour, then any Five of the Assistants to be a *Quorum*, who shall have Cognizance of all Pleas, real, personal, and mixt, as also Pleas of the Crown, and Causes criminal, and Matters relating to the Conservation of the Peace, and Punishment of Offenders, and generally of all other Matters, as fully and amply, to all Intents and Purposes whatsoever, as the Court of Common Pleas, King's Bench, or Exchequer, in His Majesty's Kingdom of England, have or ought to have; and are Impowered to give Judgment therein,

Superior Court to be held at Newport.

therein, and to award Execution thereon, and make such necessary Rules of Practice, as the Judges shall from time to time see needful: But no Cause, Matter or Thing, (Writs of Error, Fines and common Recoveries, capital Crimes, and such Causes where the King is concerned only excepted) shall be brought into said Court by any Original Writ or Process, but by Appeals had from the aforesaid Inferior Courts of Common Pleas, in the Counties aforesaid: Any Law or Usage to the contrary notwithstanding.

Liberty of Appeal to the Superior Court.

AND be it further Enacted by the Authority aforesaid, That it shall be at the Liberty of either Plaintiff or Defendant, who shall think themselves agrieved at any Judgment of any Inferior Court of Common Pleas within this Colony, to Appeal to the next Superior Court of Judicature, Court of Assize, and General Goal Delivery, where the Party agrieved shall have a hearing of said Case, provided he shall file his Reasons of Appeal in the Clerk's Office of said Court, Fourteen Days before the sitting of said Court Appealed to, and shall bring the whole Attested Copy of the said Case, taken out of the Clerk's Office of the Court Appealed from: And shall within Five Days after the rising of such Court Appealed from, give Bond to the Clerk of said Court, to prosecute such Appeal with Effect, or in Default pay Costs. And the Judgment and Determination of said Superior Court shall be a final Issue and Determination of all Causes there Tried, excepting only, and saving an Appeal to the General Assembly in all Personal Actions, and from thence to the King in Council, where the Matter in controversy will admit thereof, and an Appeal directly to the King in Council in all Causes not Cognizable before said Assembly, that by Law will admit the same.

Judges and Clerks to be appointed by the General Assembly.

AND be it Enacted by the Authority aforesaid, That there shall be appointed and chosen by the General Assembly of this Colony, Four skilful Persons in each County in the Colony, for Judges of the Inferior Courts of Common Pleas therein holden, (who shall be Commissioned by the Governour for the Discharge of said Office) and one Clerk to each Inferior Court of Common Pleas, which said Judges and Clerks shall sustain their Offices *Quamdiu se bene gesserint*. And there shall be Annually appointed and chosen by the General Assembly aforesaid, one Sheriff to each respective County.

An

An Act for the Regulation of fundry Proceedings in the several Courts within this Colony.

WHEREAS it has been adjudged most conducive to the ease of the Inhabitants of this Colony, and to the speedy attaining of Justice, to erect Inferiour Courts of Common Pleas in the several Counties within the same.

For the better Regulating and Settling the Proceedings whereof, and also of the Courts of Justices, the Town Council, &c.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same, That no Person shall, at one and the same time, be either a Judge, or a Clerk of any of the Inferiour Courts of Common Pleas within this Colony, and sustain the Office of an Assistant, or any other Place whereby he is created a Judge of the Superiour Court of Judicature, Court of Assize, and General Goal Delivery, where Appeals are brought from said Inferiour Courts: Nor shall any Person sit as a Judge in any of said Inferiour Courts of Common Pleas, or in the Courts of General Sessions of the Peace in any case wherein he has before given Judgment as a Justice of the Peace.

What Persons are qualify'd for Judges and Clerks of the Inferiour Courts.

AND be it Enacted by the Authority aforesaid, That both the Judges of the Superiour and Inferiour Courts aforesaid, in entering up Judgment upon any Bond, or other Specialties, conditioned for the Payment of Money, shall have Power to chancer down such Instrument to the just Damages.

Judges to have Power to chancer Instruments.

AND be it Enacted by the Authority aforesaid, That all transitory Actions may be brought forward and Tryed at any of the Inferiour Courts in this Colony, at the Election of the Party Suing, and the Writs issued forth from any of said Courts shall run throughout this Colony, to be directed to the Sheriff of the County where the Defendant Lives, or is Sued.

Transitory Actions to be brought to any Inferiour Court in the Colony.

AND be Enacted by the Authority aforesaid, That no Execution shall be granted forth out of the Superiour Court of Judicature, Court of Assize, and General Goal Delivery, or any of the Inferiour Courts of Common Pleas in this Colony, or any Judgment obtained therein, until Eight Days after the Rising of such Court; And that every such Execution be returnable to the next succeeding Court that granted the same.

No Execution to be granted, or Judgment obtained in any Court until Eight Days after Rising.

AND

New Evidence
allow'd in an
Appeal.

AND be it further Enacted by the Authority aforesaid, That in any Appeal from the Judgment of one or more Justice of the Peace in this Colony, to any of said Inferiour Courts of Common Pleas, or Courts of General Sessions of the Peace, or from any of said Inferiour Courts to the Superior Courts, both Appellant and Appellee shall have the Benefit of any further or new Evidence relating to the Case.

Attorney to
Sign the back
side of Writs,
in behalf of
those who are
not Freehold-
ers:

AND be it further Enacted by the Authority aforesaid, That if any Person who is not a Freeholder, and an Inhabitant in the Colony, shall commence an Action in any of said Inferior Courts of Common Pleas, that then the Attorney to such Person being a Freeholder, shall Sign the back-side of the Writ with his Christian and Sir-Name, which shall Oblige him to pay Cost in case the Plaintiff is Cast, Non Suit, or Discontinues his Action, as tho' Bond had been given in the Clerk's Office, and the Clerk shall have Two Shillings, for the same, as tho' Bond were given.

In case of Pleas
of Abatement,
&c. the Case
may come to
the Superiour
Court.

AND be it further Enacted by the Authority aforesaid, That in any Case commenced at any of the aforesaid Inferior Courts of Common Pleas, and where there are offered Pleas of Abatement, Pleas in Bar, or Demurrer, relating to said Action, it shall be in the Power of either Plaintiff or Defendant, who is dissatisfied with the Judgment thereon given, to reserve the same to the Superior Court, for a further and final Judgment concerning the same; And in like manner from a Justices Court to said Inferiour Court of Common Pleas.

AND be it further Enacted by the Authority aforesaid, That no Person that is a Member of the General Council, whereto Appeals are brought from the Town Council, shall at any time hereafter have any Voice in any of the Town Councils in this Colony: Any Law, Usage or Custom to the contrary, notwithstanding.

Superior Court
to amend mis-
taken Reasons
of Appeal.

AND be it further Enacted by the Authority aforesaid, That the Justices of the Superior Court of Judicature, Court of Assize, and General Goal Delivery, at their respective Sessions are hereby Allowed, and Impowered, in all Cases coming before them by way of Appeal from any Inferior Court, or Sessions of the Peace in this Colony, upon the Appellant's paying reasonable Costs to be Taxed by said Court, to order an Amendment of such Defective or Mistaken Reasons of Appeal as shall be brought before them, and to proceed to Tryal as though no such Error had been committed.

AND be it further Enacted by the Authority aforesaid, That the Justices of the Inferior Courts of Common Pleas, and
Courts

Courts of General Sessions of the Peace, in the several Counties within this Colony, shall, and hereby have the same Power granted to them, in case of any lapse or mistake in Reasons of Appeal, from the Sentence or Judgment of any of His Majesty's Justices of the Peace that shall come before the said Courts: Any Law, Usage or Custom to the contrary, notwithstanding.

Inferior Courts to do the same,

AND be it further Enacted by the Authority aforesaid, That when and so often as it shall happen the Superior Court of Judicature, Court of Assize, and General Goal Delivery, or the Inferior Court of Common Pleas in any of the respective Counties within this Colony, cannot be held and kept on the Day by Law prefixed for the holding of the same, by reason of Death or Sickness befalling any of the Justices of such Court, or any providential, necessary, and unavoidable Let or Hindrance of their Attendance, it shall and may be Lawful to and for any one of the Justices of such Court, respectively by Writ under his Hand and Seal, directed unto the Sheriff of the County, therein inserting the Occasion thereof, to adjourn the said Court unto a further Day, as in the said Writ shall be expressed, at as little distance of Time as possibly may be from the Day whereon by Law the Court should have sat, that so Justice be not deferred or delayed: And the Sheriff upon receipt of the said Writ, shall cause Publication to be made of the same, at the usual Place of the said Court's sitting, and some other of the most publick Places within the same County, and also to cause a Signification of such Adjournment, and the Time unto which it is made, to be posted up at or near the House or Place where the said Court uses to sit, and other publick Places as aforesaid, to the Intent that unnecessary Travel, Charge and Attendance of all Persons concerned, may be prevented: And the Sheriff is to return such Writ with his doings thereon into the Clerk's Office of such Court: And all Pleas, Writs, Actions, Suits, Plaints, Procefs, Precepts, Recognizances, and other Thing and Things whatsoever returnable, or having Day or Days in the said Court, shall stand, abide and continue unto the said Adjournment, and be held, deemed and adjudged, to be as good, effectual and available in Law, to all Intents, Constructions and Purposes, as if such Court had been held and kept on the Day by Law for holding of the same, and no Adjournment thereof had been made.

The several Courts to be Adjourn'd on urgent Occasions.

AND be it further Enacted by the Authority aforesaid, That every Grand-Juryman and Petit chosen as aforesaid, before his Acting as such, shall take each his respective Engagement following.

Jurymen to be Engag'd.

YOU A. B. being of the Grand Inquest on the behalf of our Sovereign Lord the King, do hereby Promise and Engage, to make a true return to this Court, of all such Bills as shall be presented to you, or such Breakers of Law, as shall come to your Knowledge. And this Engagement you make and give, upon the Peril of the Penalty of Perjury.

YOU A. B. being of this Jury of Tryals, shall well and truly try the Issue of this Case, and all Cases that shall be committed unto you from this Court, between the Parties, Plaintiff and Defendant, according to Law and Evidence, and to keep together until you agree of a Verdict in the Case or Cases committed to you, and make true Return of the Verdict or Verdicts unto this Court, and to keep your own and fellows secrets. And this Engagement you make and give, upon the Peril of the Penalty of Perjury.

YOU A. B. being of this Jury of Tryals, shall well and truly try, and true Deliverance make, between our Sovereign Lord the King and the Prisoner at the Bar, according to Law and Evidence, and to keep together until you are agreed of a Verdict or Verdicts in the Case or Cases that shall be committed to you from this Court, and to keep your own and fellows secrets. And this Engagement you make and give upon the Peril of the Penalty of Perjury.

General Officers to be Summon'd.

AND be it further Enacted by the Authority aforesaid, That no General Officer of this Government, during his continuing such, shall be Arrested or Attached, either in Body or Goods, in an civil Case, upon mean Process; And that in all civil Cases that any Person may have against a General Officer, upon mean Process it shall be by Summons, and no otherwise. And all Writs of Arrest or Attachments upon mean Process, that shall be granted forth*contrary hereunto, shall be Null and Void in Law, and the Defendant shall have his Costs and Damages accruing thereon.

Court-House and Goal to be Erected in each County.

AND be it further Enacted by the Authority aforesaid, That there be forthwith erected in each respective County, one County Court-House, and one County-Goal, where none is already Erected, meet and convenient for the holding of Courts, and Security of Prisoners; the Charge whereof to be Defrayed and Paid out of the General Treasury.

AND

AND be it further Enacted by the Authority aforesaid, That on the first Wednesday of May Annually, there shall be chosen and elected one Secretary for the Colony, who shall be Clerk of the Superiour Court of Judicature, Court of Assize, and General Goal Delivery within the same. Secretary to be Clerk of the Superior Court.

AND be it further Enacted by the Authority aforesaid, That if the Clerk of the Superior, or of any of the Inferior Courts for the time being, shall be absent at any time from any Court or Courts of Judicature, (either by Sickness or other Occasions,) where he is ordered and appointed to attend; that then and in such Cases, it shall and may be Lawful for the Judges of such Court, to appoint another Person to Officiate in his or their Room and Stead, during such Absence.

AND be it further Enacted by the Authority aforesaid, That all Writs of Error, Fines, and common Recoveries, brought forward or suffered within this Colony, shall be Heard, Tried, Passed, Suffered, and adjudged, at the Superior Court of Judicature, Court of Assize, and General Goal Delivery, who shall have Cognizance thereof.

AND this Form of a Writ of Arrest shall be used in all the Counties of this Colony.

ff.

GEORGE the Second, by the Grace of GOD, of Great Britain, France and Ireland, KING, Defender of the Faith, &c.

To the Sheriff of our County of
Deputy, Greeting.

or to his

WE Command You to Arrest the Body of

(if may be found in your Precinct) and for want of Body, to Attach Goods and Chattels, and or them in safe custody keep, until give sufficient Bond, returnable according to Law, to answer the Complaint of

Court of Common Pleas, to be Holden at at the next Inferior within and

and for our said County of _____ on the
Tuesday of _____ next ensuing the Date hereof, in
 an Action of _____

As by Declaration to be filed in Court, will be fully set
 forth To the Damage
 of the Plaintiff _____ Pounds, Currant Money of
New-England. Hereof fail not, and make true Return of this
 Writ, with your Doings thereon. Witness _____ Esq;
 at _____ this _____ Day of
 In the _____ Year of our Reign, *Annoq; Domini*, 172

An Act for the Establishing and Regulating of
 Fees.

BE IT ENACTED by the General Assembly of this Colony
 and by the Authority of the same, That the Establishment
 of the Fees of the several Officers in the Colony, shall be as
 followeth: *Viz.*

Fees for Probate of Wills, &c.

F OR the Probate of Wills, where the Inventory exceeds <i>One Hundred Pounds, Six Shillings,</i>	l. s. d. 00 06 00
For every <i>Hundred Pounds</i> , above <i>One Hundred</i> <i>Pounds, Two Shillings</i> to the Town Council.	
For Probate of Inventory, where no Will appears, and where the Inventory exceeds not <i>One Hun-</i> <i>dred Pounds, Six Shillings.</i>	00 06 00
If above, for every <i>Hundred Pound</i> more, <i>Two</i> <i>Shillings</i> to the Town Council.	

Clerk's Fees.

F OR Entering a Caveat against the Probate of a Will, or granting of Administration,	l. s. d. 00 01 00
For taking Bond, and granting Administration under the Seal of the Town Council,	00 04 00 For

For Registring a Will or Inventory, not exceeding one Page,	l. s. d. 00 01 06
If above one Page, for every Page Twenty Five Lines in a Page,	00 01 00
For a Copy of <i>Ditto</i> from the Record, if not above one Page,	00 01 06
If above one Page, for every Page Twenty Five Lines in a Page,	00 01 00
For every Citation and Summons,	00 00 06
For Bond and granting Licence, under the Town Council Seal,	00 05 00
For Bond of every Person that comes to dwell in the Town,	00 01 00
To the Town Sergeant or Constable, for Serving every Summons or Citation, if not above a Mile from Home,	00 01 00
If above a Mile from Home, for every Mile <i>Three Pence</i> .	

AND the Town Clerk shall have and take the same Fees, as the Clerk of the Council, for Recording of Instruments, and granting Copies of the same.

Secretary's Fees!

FOR Engrofsing the Acts or Laws of the General Assembly, <i>Ten Shillings</i> each, to be paid out of the General Treasury,	00 10 00
For every Commission for the Justices of each County, <i>Ten Shillings</i> , to be paid out of the General Treasury.	00 10 00
For every Commission for a Military Officer, <i>Three Shillings</i> , to be paid out of the General Treasury,	00 03 00
For a special Warrant or Mitemus, by Order of the Governour and Council, <i>Two Shillings and Six Pence</i> ,	00 02 06
For every Commission under the Colony Seal, for Places of Profit, <i>Ten Shillings</i> ,	00 10 00
For every Bond,	00 02 00
For every Order of Council, to the Benefit of particular Persons, <i>Two Shillings and Six pence</i> ,	00 02 06
For every Petition to the Governour and Council, or General Assembly,	00 03 00
For Transcribing the Acts, or Laws, Passed by the General Assembly, into a Book, <i>Twelve Pence</i> a Page, each Page to contain Twenty Five Lines, and Eight Words in a Line, and	

to proportionably, to be paid out of the General Treasury.

For attending the General Assembly and Superior Court of Judicature, Court of Assize, & General Goal Delivery, and General Council, *Ten Shillings per Diem*, to be paid out of the General Treasury.

For fixing the Colony Seal to any Commission or other Writing, l. s. d.
00 05 00

For Entering a Protest in Court, 00 01 00

In the Superior Court.

Justices Fees.

F OR Entry of every Action for Tryal,	00 15 00
Out of which to the Clerk,	00 02 06
For taking every special Bail,	00 02 00
For allowing of a Writ of Error,	00 03 00
For allowing a <i>Habeas Corpus</i> ,	00 02 00
For confessing Judgment,	00 02 00
For acknowledging satisfaction of a Judgment on Record,	00 01 00
In all criminal Cases, where a Fine is set,	00 06 00
For Taxing every Bill of Cost,	00 01 00

Clerk's Fees.

F OR filing Reasons of Appeal,	00 01 00
For a Copy of <i>Ditto</i> , not exceeding one Page,	00 01 06
If above one Page, for every Page above, Twenty Five Lines in a Page,	00 01 00
For filing an Answer,	00 01 00
For a Copy of <i>Ditto</i> , not exceeding one Page,	00 01 06
If above one Page, for the first Page,	00 01 06
For every Page above one,	00 01 00
For every Action call'd,	00 01 00
For a Copy of Record, not exceeding one Page,	00 01 06
If above one Page, for the first Page,	00 01 06
For every Page above one,	00 01 00
For a <i>Scire Facias</i> and Seal,	00 02 06
For Recording Judgment and Verdict,	00 02 08
For Entering up Judgment, upon Default,	00 01 08
For a Writ of Execution,	00 05 00
For a <i>Distingas</i> ,	00 01 06
For	

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For Acquittal of Felony, or Suspicion thereof,	00	02	00
For Entering a Rule of Court,	00	01	08
For every Bond taken,	00	02	00
For Entering Traverse upon Indictment,	00	01	08
For filing an Inventory of Goods taken by Execution,	00	01	00
For Entering an Order of Court for reference to Auditors,	00	01	08
For every Person Summon'd,	00	00	06
For filing every Return in Court,	00	01	00
For every Evidence read in Court,	00	00	06
For withdrawing an Action,	00	01	00
For the Discharge of any Person upon Bail to the Peace, &c.	00	02	00
For every Petition read in Court,	00	01	00
For Order thereon,	00	01	06
For Examining Bills of Cost,	00	01	00
For searching of Records, <i>One Shilling</i> ; and if above one Hour, for every Hour above one, <i>Twelve Pence</i> .			

In the Inferior Court.

Justices Fees.

FOR Entry of every Action,	00	12	00
Of which the Clerk is to have	00	02	00
For taking special Bail,	00	02	00
Confessing Judgment,	00	01	00
Of which the Clerk one Quarter,			
For acknowledging satisfaction of Judgment on Record,	00	01	00
For Taxing every Bill of Cost,	00	01	00

Clerk's Fees.

FOR every Writ and Seal,	00	01	06
For Entering Appearance,	00	00	06
For Entering Judgment and Verdict, &c.	00	02	08
For Copies of Records the same as in the Superior Court.			
For every Action withdrawn or Non-suit,	00	01	00
For every Execution,	00	03	06
For every Return to Court,	00	00	08

For

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For filing every Declaration,	00	01	00
For Copy thereof, not exceeding one Page,	00	01	06
If above one Page, for the first Page <i>One Shilling</i> and <i>Six pence</i> , and every Page above one,	00	01	00
For filing every Plea,	00	01	00
For a Copy thereof, not exceeding one Page,	00	01	06
If above one Page for the first,	00	01	06
And every Page above one,	00	01	00
For filing Reasons of Appeal,	00	01	00
For Copy of <i>Ditto</i> , not exceeding one Page,	00	01	06
If above one Page, the first	00	01	06
And every Page above one,	00	01	00
For filing an Answer to Reasons of Appeal,	00	01	00
For copying the same, as for Reasons of Appeal,			
For every Action called in Court,	00	01	00
For Entering <i>Nihil dicit</i> ,	00	01	00
For <i>Scire facias</i> and Seal,	00	02	00
For a <i>Distringas</i> ,	00	01	00
For Entering a Rule of Court,	00	01	08
For Bond in the Clerk's Office,	00	02	00
For filing an Inventory of Goods taken by Execution,	00	01	00
For Entering an Order of Court for reference to Auditors,	00	01	08
For every Person Summon'd,	00	00	04
For every Evidence read in Court,	00	00	04
For withdrawing an Action,	00	01	00
For attending the Court, <i>Five Shillings</i> per Day.			
For searching of Records <i>One Shilling</i> , and if above an Hour, <i>Twelve Pence</i> for each Hour.			

Clerk of the Sessions of Peace, his Fees.

FOR Entering Complaint or Indictment,	00	02	00
For Discharge of a Recognizance,	00	01	00
For making forth Process against Criminals,	00	01	06
For every Summons,	00	00	04
For every Warrant for the Peace of good Behaviour,	00	01	06
For Acquittal of Felony, or suspicion thereof,	00	01	00
For searching of Records, <i>One Shilling</i> , and for every Hour above one, <i>Twelve Pence</i> .			

Sheriff's Fees.

F OR Serving a Writ, not above a Mile from home,	00 02 00
If above one Mile, <i>Two pence</i> forward, and <i>Two pence</i> backward.	
For attending a Prisoner before Imprison'd, by the Day <i>Two Shillings and Six pence</i> ,	00 02 06
For Copy of a Writ,	00 01 06
For attending the Court, by the Day,	00 06 00
To attendance in every Action,	00 01 00
For Discharge of any Person upon Bail to the Peace,	00 01 00
For every Evidence read in Court,	00 00 04
For Bail Bond in civil Actions,	00 02 00
For Bond to the Peace or good Behaviour,	00 04 00
For Serving Execution, if not exceeding <i>Ten Pounds, One Shilling and Six Pence</i> per Pound.	
If above <i>Ten Pounds</i> and not exceeding <i>Fifty Pounds, Twelve Pence</i> per Pound.	
If above <i>Fifty Pounds</i> , and not exceeding <i>One Hundred Pounds, Nine Pence</i> per Pound.	
If above <i>One Hundred Pounds</i> and not exceeding <i>Two Hundred Pounds, Six Pence</i> per Pound.	
If above <i>Two Hundred Pounds</i> , and not exceeding <i>Three Hundred Pounds, Four Pence</i> per Pound.	
For all Executions above <i>Three Hundred Pounds, Two Pence</i> per Pound.	
For all Executions served out of the Town, where the Sheriff Lives, <i>Two Pence</i> per Pound, back- ward and forward.	
For turning the Key on every Prisoner committed,	00 03 04
For Discharge of every Person upon Bail to the King,	00 02 00

Attorney General's Fees.

F OR every Bill of Indictment drawn and found by the Grand Jury,	03 00 00
For every <i>Disso</i> drawn and past to the Court, if not found by the Grand Jury,	00 05 00
For every Criminal Executed to Death,	02 00 00
For Discharge of every Person upon Bond to the Peace,	00 10 00
For every Days attendance in the Court,	00 06 00

K k k

Other

Other Fees allow'd in Court.

	l.	s.	d.
F OR Attornies and Council's Fees;	00	15	00
For Drawing a Bill of Cost,	00	01	00
For every Person discharged from Bail to the King, to the Sergeant,	00	01	06
For every Evidence attending the Court by the Day,	00	02	00
For every Action call'd by the Sergeant,	00	01	00
For every Days Attendance by the Sergeant,	00	05	00
For the Jury paid down by the Plaintiff,	01	04	00
For Power of Attorney and Probate of the same;	00	04	00
For Travel of every Plaintiff and Defendant recovering Cost, Two Pence per Mile to the Court, and the same back again.			
For every Witness Summoned, the same.			

An Act for the continuing the General Court of Tryals, and enabling said Court to proceed in all Causes, and other Matters depending in said Court, to Judgment and Execution, notwithstanding the Dividing this Colony into Counties, and Erecting other Inferior and Superior Courts, &c.

WHEREAS this General Assembly hath made and passed, an Act for dividing this Colony into three Counties, and for the establishing Inferior Courts of Judicature in each County, and Superior Courts of Judicature, Courts of Assize, and General Goal Delivery, in the County of Newport, with Liberty of Appeals from said Inferior to the Superior Court, &c.

BE IT ENACTED by the General Assembly, and by the Authority of the same, That the aforesaid Act, nor any Clause, Words or Paragraphs in the same, shall Extend, or be Construed to Extend, to hinder the Proceedings of the next General Court of Tryals, and General Goal Delivery, to be held at Newport, the First Tuesday of September next, and the Last Tuesday of March next, but that said Court shall proceed in all Actions, Matters, Causes and Things whatsoever, that shall come before them, and to give Judgment and award Executions in all Cases, as formerly hath been accustomed: Any thing in the aforesaid Act to the contrary, in any wise notwithstanding.

The Act for dividing the Colony into Counties, not to hinder the Proceedings of the Court of Tryals in September and March next.

AND

AND it is further Enacted by the Authority aforesaid, That in case either Plaintiff or Defendant are agrieved at any Judgment or Sentence that shall be given in the said General Court of Tryals, to be held on the first *Tuesday* of *September* next, it shall and may be Lawful for such Plaintiff or Defendant, to Appeal from such Judgment or Sentence, to the next General Court of Tryals in *March* next, or to the General Assembly, in such Cases, and in like manner as has been usual to Re-hear or Appeal to the next General Court of Tryals, or General Assembly, and the Parties Appealing shall give in Bond, to prosecute such his or their Appeal with Effect, as heretofore hath been accustomed in Cases of Re-hearings. And also either Plaintiff or Defendant who shall be agrieved at any Judgment given against him or them, at the General Court of Tryals, to be held at *Newport* on the last *Tuesday* of *March* next, shall have Liberty to Appeal to the next Superior Court of Judicature, to be held on the first *Tuesday* of *September* then next coming, or to the General Assembly, in such cases, and in like manner, as has heretofore been usual to Re-hear or Appeal, according to the Laws of this Colony.

Liberty of
Appeal allow'd
as usual.

L A W S,

Made and pass'd by the General Assembly of His Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Warwick* the last *Wednesday* of *October*, 1729.

An Act stating the General Treasurer's Salary, and for taking Security, &c.

BE IT ENACTED by the General Assembly of this Colony and by the Authority of the same it is Enacted, That the Person who shall be the General Treasurer, shall give in Bond to the

General Treasurer to give Bond.

And to have One Hundred Pounds per Annum.

the Recorder of this Colony, and to his Successors, in the Sum of *Twenty Thousand Pounds*, for the faithful Execution of his Office, and the Trust reposed in him; and that all succeeding General Treasurers that shall from time to time be Elected and Chosen, give in such Bond to the General Recorder for the time being, for the Use of the Colony, as the General Assembly shall think necessary, and that the Salary of the General Treasurer be *One Hundred Pounds* per Annum, and so in proportion for a lesser time; and that the former Act for the Treasurers Allowance, be, and it is hereby Repealed.

Repeal'd.

An Act Restricting all Lawyers from being chosen Deputies of any Town in this Colony, during their Practicing the Law.

An Act for preventing the Inhabitants of this Colony, from being Defrauded by those Persons that have left or shall leave this Colony.

WHEREAS it is common for Persons trading in sundry parts of the Government, to Depart the same, without settling their Accounts and other Business, and leave Powers of Attorney, whereby they (according as the Law is stated) relating to Accounts, and by Virtue of Notes and other Writings, draw Money out of the Hands of those to whom they are indebted upon a just Settlement.

For the Preventing whereof for the future,

Persons Sued by a Power of Attorney from those out of the Colony to be allow'd their whole Account of Dealing.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That when any Person in this Government is Sued, by Virtue of a Power of Attorney left by any Person that has left the same, whether it be by Bond, Bill, Note or Book-Debt, the Party Sued shall have the Benefit of bringing in the whole Account of Dealing between such Persons, in Order that a just Settlement may be made, and the Party Suing shall Recover no more than his just Due when a Ballance is made; and if nothing is to him due, he shall pay the Cost of Suit.

LAWS,

L A W S,

Made and pass by the General Assembly of His Majesty's Colony of *Rhode-Island*, and *Providence-Plantations*, Held at *Newport*, the last *Tuesday* of *February*, 1729.

An Act for stating and proportioning each Town's Quota of Jurymen, to be sent to the Inferior Courts of Common Pleas, &c. in the several Counties in this Colony.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That each Town in this Colony send to each of the Inferior Courts of Common Pleas, and General Sessions of the Peace, in their respective Counties, the following Number of Jury-men; *Viz.* *Newport*, the Number of Nine Grand Jurors, and Eight Petit Jurors; *Portsmouth*, Three Grand Jurors, and Three Petit Jurors; *James Town*, One Grand Juror, and one Petit Juror; *Providence*, Eight Grand Jurors, and Seven Petit Jurors; *Warwick*, Three Grand Jurors, and Three Petit Jurors; *East Greenwich*, Two Grand Jurors, and Two Petit Jurors; *Westerly*, Five Grand Jurors, and Four Petit Jurors; *North Kingstown*, Four Grand Jurors, and Four Petit Jurors; and *South Kingstown*, Four Grand Jurors, and Four Petit Jurors.

Number of
Grand and
Petit Jurors,
to be sent from
each Town

An Act for appointing Commissioners on the part of this Government, to perambulate and ascertain the *Eastern* Line thereof, from *Pautucket Falls* North, as it is expressed in the Charter of the Colony.

FORASMUCH as the General Court, or Assembly of the Province of the *Massachusetts-Bay*, have refused to appoint Commissioners on their part, to joyn with Commissioners on the part

L I I

part of this Colony, to perambulate and ascertain the Eastern Line of this Colony, from Pantucket-Falls North, pursuant to an Act past the last Sessions of this Assembly.

Therefore,

Committees
Names, and
Power.

BE IT ENACTED by this Assembly, That William Smith, Richard Waterman, William Jencks, Elisba Knolton and Daniel Abbot, Esqrs, be, and they are hereby appointed a Committee, and they, or any Three of them, are hereby Authorized and fully Impowered, to perambulate and ascertain said Line, and that the same be done at or upon the last Tuesday of April next, and return thereof made to the next Sessions of the Assembly: And that the Secretary of this Colony, advise the Grand Assembly of the Province of the Massachusetts-Bay of the same.

An Act in addition to an Act, made and past by the General Assembly, sitting by Adjournment, the Third Monday in June, 1729, Entituled, *An Act for the Establishing Inferior Courts of Common Pleas in the several Counties in this Colony.*

On an Appeal
to the Inferior
Court, the
Judgment to
be final.

BE IT ENACTED by the General Assembly of this Colony, and by the Authority of the same it is Enacted, That in all Appeals from Justices Courts to the Inferior Courts of Common Pleas, the Judgments of the said Inferior Courts of Common Pleas thereupon, shall be final.

Jurors Fine
for Neglect.

AND be it further Enacted by the Authority aforesaid, That each and every Person who shall be chosen a Juror, to Serve in any of the Inferior Courts of Common Pleas in this Colony, and shall refuse or neglect to Serve therein, shall be Fined the Sum of *Thirty Shillings*, to be taken and recovered in manner as heretofore has been accustomed, upon the Neglect of Jurors in the General Court of Tryals.

An

An Act for Repealing an Act, Entituled, *An Act restricting all Lawyers from being Chosen Deputies of any Town in this Colony, during their Practicing the Law.*

WHEREAS there was an Act made and past at the General Assembly, sitting at Warwick, the last Wednesday of October, 1729, Entituled, An Act restricting all Lawyers from being chosen Deputies of any Town in this Colony, during their practicing the Law: Which Act is found to be of ill Consequence, and inconsistent with the Right of His Majesty's Subjects in this Colony.

Therefore,

BE IT ENACTED by the General Assembly, and by the Authority of the same, That the said Act be, and it is hereby Repealed, made Null and Void, and of none Effect.

An Act directing the admitting of Freemen in the several Towns in this Colony.

BE IT ENACTED by the General Assembly of this Colony; and by the Authority of the same it is Enacted, That no Person whatsoever shall be admitted a Freeman of any Town in this Colony, unless the Person admitted be a Freeholder of Lands, Tenaments or Hereditaments, in such Town where he shall be admitted free, to the Value of Two Hundred Pounds, or Ten Pounds per Annum, or the eldest Son of such a Free holder. And if it be made appear that any such Freedom has been Obtained, through any fraudulent Means or Contrivance, such Freedom shall, and is hereby made Void: Any Law, Custom or Usage to the Contrary hereof, in any wise notwithstanding.

Who are to be
admitted
Freemen.

An

An Act in addition to an Act, made and past by the General Assembly, at their Sessions the Tenth Day of August 1721, Entituled, *An Act to prevent the Small Pox from being brought into this Colony from the Town of Boston.*

Persons coming from infected places, to remain Five Days on the Confines of the Colony, or pay Forty Shillings, and be sent back.

BE IT ENACTED by the General Assembly, and by the Authority of the same it is Enacted, That all Persons coming from any Place infected with the Small Pox, shall abide Five Days on the Confines of this Colony, in some place not infected, on the Penalty of paying a Fine of Forty Shillings, and be forthwith sent out of the Bounds of the Colony, there to remain for the Time aforesaid. And that the Assistants living in Portsmouth, and elsewhere in the Government, keep proper Persons in all places necessary, and impower them to Examine, and Engage or Swear, all Persons suspected to Transgress said Law; and in Case any Person shall be culpable, to see the Law executed.

An Act declaring who shall be Exempt from Serving Jurors, in any Court or Courts of Judicature, Common Pleas, &c. in this Colony.

Who are Exempt from Serving as Jurors.

BE IT ENACTED by the General Assembly, and by the Authority of the same it is Enacted, That the Persons following, and no other, shall be Exempted from Serving as Jurors in the several Courts in this Colony: To wit, All that have sustained the Post of Members of the General Council, Secretary, Sheriff, Attorney General, General Treasurer, and those that have been Justices of the Courts of Common Pleas, all Justices of the Peace in Commission, and all Military Officers in Commission, also all Persons that are actually Members of any Town Council, Ministers of any Congregation, Practitioners of Physick, Apothecaries, Millers, Ferrymen, Constables, Town Sergeants, Town Clerks, and Clerks of the Inferior Courts of Common Pleas: Any Law, Custom or Usage to the contrary hereof, in any wise notwithstanding.